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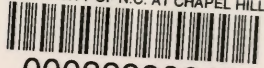


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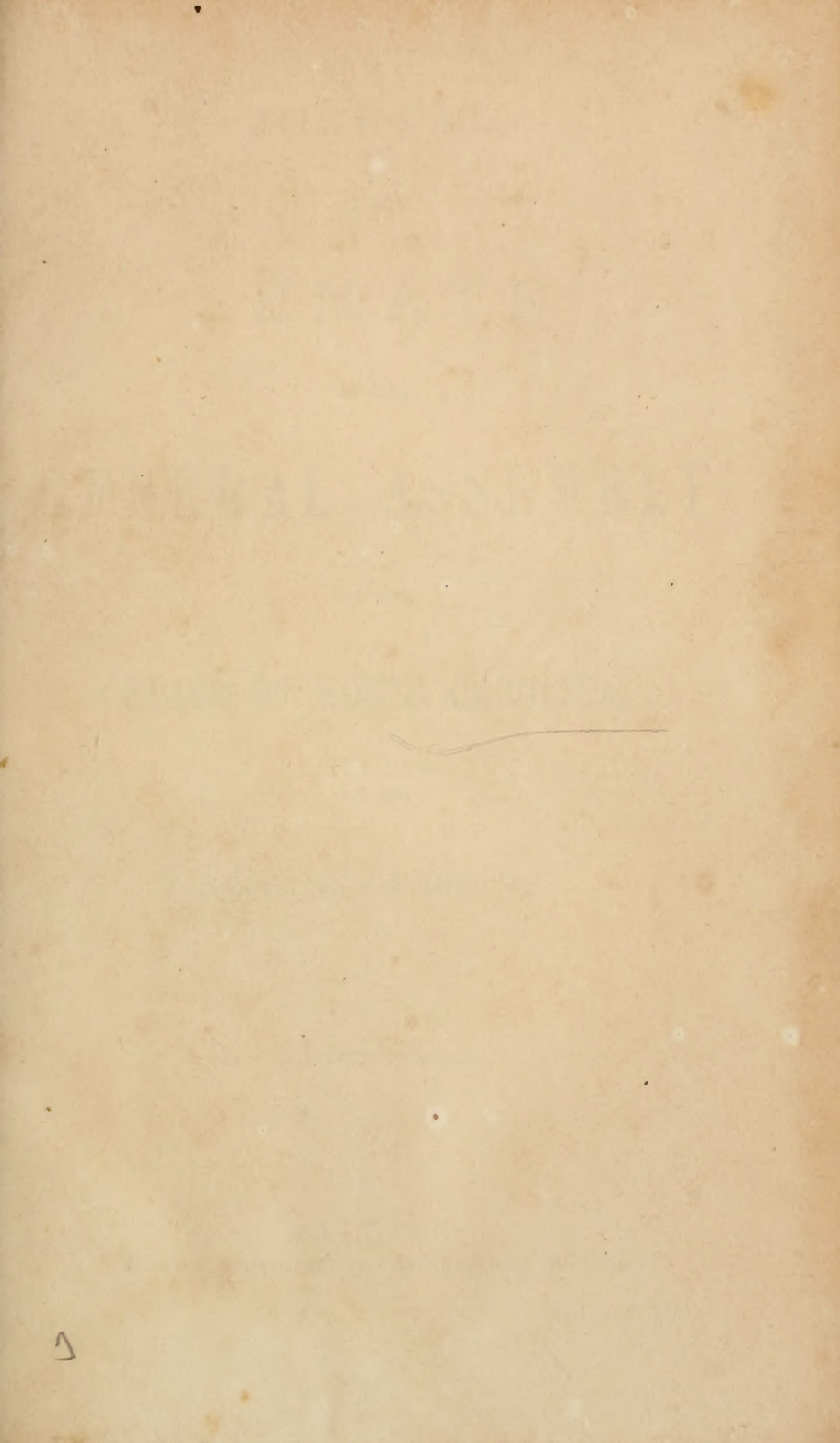
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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS

SESSION OF 1872-'73.



RALEIGH:

STONE & UZZELL, STATE PRINTERS AND BINDERS.

1873.

# SENATE JOURNAL

SESSION 1874

FIRST DAY

SENATE JOURNAL

At a General Assembly of the State of North Carolina  
held at Raleigh in the City of Raleigh on Monday  
the 12th day of November 1874. It was ordered that the  
Journal of the Senate for the Session of 1873 be  
printed and bound in the following manner: To wit:  
The Journal of the Senate for the Session of 1873  
be printed in the following manner: To wit:  
The Journal of the Senate for the Session of 1873  
be printed in the following manner: To wit:

1st Session of 1873	20
2d Session of 1873	20
3d Session of 1873	20
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19th Session of 1873	20
20th Session of 1873	20

# SENATE JOURNAL.

SESSION 1872-'73.

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## FIRST DAY.

SENATE CHAMBER, November 18, 1872.

At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the 18th day of November, 1872, it being the day appointed by law for the meeting of the General Assembly, the Principal Clerk elected by the last Senate called the Senators elect to order at 12 M.

Thereupon the following Senators elect presented their credentials and were duly qualified according to law, to-wit:

1st District—Jno. L. Chamberlain, C. W. Grandy, Jr.

2d       “       J. B. Respass, H. E. Stilley.

3d       “       George D. Holloman.

4th       “       Henry Eppes.

5th       “       Alexander McCabe.

6th       “       Jacob McCotter.

7th       “       Jno. W. Dunham, Wm. K. Davis.

8th       “       A. S. Seymour.

9th       “       J. G. Scott.

10th       “       Wm. A. Allen, Lott W. Humphrey.

11th       “       Richard W. King.

12th       “       George L. Mabson.

14th       “       C. Tate Murphy.

15th       “       John W. Ellis.

17th       “       William H. Avera.

18th       “       James H. Harris.

19th District—	John A. Hyman.
20th	“ John W. Norwood, John W. Cunningham.
23d	“ J. Turner Morehead.
24th	“ James T. Morehead, Jr., W. J. Murray.
25th	“ John M. Worth.
26th	“ R. T. Long.
28th	“ A. Barnhardt.
29th	“ R. P. Waring.
30th	“ Charles Price.
31st	“ John T. Cramer.
32d	“ John M. Stafford.
33d	“ A. C. Cowles.
34th	“ Thomas A. Nicholson, Phineas Horton.
35th	“ J. W. Todd.
37th	“ James R. Ellis.
38th	“ W. J. T. Miller.
39th	“ Martin Walker.
41st	“ W. P. Welch
42d	“ W. L. Love.

The Clerk having announced that a quorum was present and duly qualified, on motion,

Mr. G. A. Hill, Senator elect from the Thirteenth District, Messrs. W. W. Flemming and J. M. Gudger, Senators elect from the Thirty-sixth District, and Mr. James H. Merrimon, Senator elect from the Fortieth District, were also permitted by the Senate to be qualified upon satisfactory evidence of their having received credentials in due form.

On motion of Mr. Allen, the Senate then proceeded to the election of a President *pro tempore*.

Nominations being in order, Mr. Allen nominated Mr. James T. Morehead, Jr., of Guilford, and Mr. Seymour nominated Mr. C. W. Grandy, Jr., of Pasquotank.

The Senate then proceeded to vote, as follows:

FOR MR. MOREHEAD—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Humphrey, Love, Merrimon,

Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring, Welch and Worth—27.

FOR MR. GRANDY—Messrs. Chamberlain, Cramer, Eppes, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley and Walker—16.

Mr. Grandy voted for Mr. Stilley, and Mr. Morehead of Guilford voted for Mr. Allen.

Mr. Morehead, of Guilford, having received a majority of all the votes cast, was declared elected President *pro tem*.

Thereupon the President *pro tem*., having been conducted to the chair by Messrs. Grandy and Love, addressed the Senate as follows :

SENATORS :—On assuming the position which you have done me the honor to confer on me, it may be expected I should follow the precedents set by many of my predecessors, and make suggestions of what, in my judgment, should be our legislative policy ; but when I see upon this floor so many Senators of large experience, well known in the legislative history of the State, I feel it would be presumption in me to advise. But I hope I will be allowed to express the hope, that laying aside all party feeling, and suppressing the animosities naturally engendered in party struggle, we will combine to promote the interest of the Commonwealth. And in thanking you, fellow Senators, for the distinguished honor you have conferred on me, I must remind you that you have imposed duties as well, and that I shall expect your aid and co-operation in their performance.

The Senate then proceeded to the election of a Principal Clerk.

Mr. Murphy nominated William L. Saunders, of New Hanover.

Mr. Harris nominated R. B. Howell, of Alexander.

The Senate then proceeded to vote, as follows :

FOR MR. SAUNDERS—Messrs. Allen, Avera, Barnhardt,

Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Humphrey, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring, Welch and Worth—28.

FOR MR. HOWELL—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley and Walker—16.

Mr. Saunders was declared duly elected.

The Senate then proceeded to the election of an Assistant Clerk.

Mr. Humphrey nominated William H. H. Cowles, of Wilkes.

Mr. Stilley nominated W. K. Moore, of Beaufort.

The Senate then voted, as follows :

FOR MR. COWLES—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Waring, Welch and Worth—28.

FOR MR. MOORE—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley and Walker—17.

Mr. Cowles was declared duly elected.

The Senate then proceeded to the election of a Principal Doorkeeper.

Mr. Scott nominated James E. Morris, of Craven.

Mr. Mabson nominated Edwin F. Martin, of New Hanover.

The Senate then voted, as follows :

FOR MR. MORRIS.—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey,

Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Waring Welch, and Worth—28.

FOR MR. MARTIN.—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley and Walker—17.

The Senate then proceeded to the election of an Assistant Doorkeeper.

Mr. Love nominated Guilford Christmas, of Warren.

Mr. Respass nominated John P. Ochiltree, of Alamance.

The Senate then voted as follows :

FOR MR. CHRISTMAS.—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Waring, Welch and Worth—26.

FOR MR. OCHILTREE.—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley, Walker—16.

Mr. Cowles voted for Mr. Douglas.

Guilford Christmas was declared duly elected.

On motion of Mr. Norwood, it was ordered that a message be sent to the House of Representatives informing that body that the Senate was duly organized and ready to proceed to business.

Mr. Love moved that the Senate adjourn until 11 P. M. to-morrow.

The motion did not prevail.

Mr. Avera moved that the Senate adjourn until 7 o'clock this evening.

The yeas and nays were ordered on demand of Mr. King, and the motion did not prevail. Yeas 22 ; nays 23.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, Merrimon, Miller, Morehead of Guilford,

Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Stafford, Todd, Waring and Welch—22.

*Negative*—Messrs. Chamberlain, Cramer, Dunham, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Murphy, Respass, Scott, Seymour, Stilley and Walker—23.

Mr. King moved that the Senate do now proceed to the election of an Engrossing Clerk.

Mr. Love moved to lay that motion on the table.

The yeas and nays were ordered on demand of Mr. King, and the motion to lay on the table prevailed. Yeas 25; nays 16.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Scott, Waring, Welch and Worth—25.

*Negative*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Stilley and Walker—16.

On motion of Mr. Love, the rules of order of the Senate at its last session were ordered to be enforced until the adoption of new ones.

Leave of absence for four days was granted to Mr. Allen. The Senate then adjourned until 11 A. M. to-morrow.

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## SECOND DAY.

SENATE CHAMBER, November 19, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Prayer by Rev. Dr. Atkinson.

The credentials of Messrs. Bourbon Smith, Senator elect from the Twenty-first District; C. M. T. McCauley, from the Twenty-seventh District, and W. C. Troy, from the Sixteenth District, were presented and the several Senators duly qualified.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Flemming—A bill to alter the Constitution of North Carolina. To the Judiciary Committee.

By Mr. Merrimon—A bill to commute, compound and adjust the public debt. To the Committee on Finance.

Mr. Morehead of Rockingham, offered a resolution raising a committee of three to prepare rules of order, with instructions to report on Thursday, which was adopted.

The Chair appointed as the committee, Messrs. Morehead of Rockingham, Respass and Murphy.

Mr. Ellis of Catawba, moved that the Senate do now proceed to the election of an Engrossing Clerk. The motion prevailed.

Mr. King put in nomination the name of Mr. John H. Becton, of Carteret.

Mr. Waring put in nomination Mr. J. McLeod Turner.

The Senate then voted, as follows:

FOR MR. TURNER—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—29.

FOR MR. BECTON—Messrs. Chamberlain, Cramer, Eppes, Grandy, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Respass, Seymour, Smith, Stilley and Walker—16.

Mr. Turner was declared duly elected.

The following resolutions were introduced and disposed of, as follows:

By Mr. Grandy—Resolution in favor of John L. Wood, Sheriff. Read, and, on motion of Mr. Cowles, laid on the table.

By Mr. Nicholson—Resolution in regard to Internal Revenue. Referred to the Committee on Propositions and Grievances.

By Mr. Respass—Resolution in favor of the Sheriff of Beaufort county. Read first time and laid over under the rules.

A message was received from the House of Representatives informing the Senate that that honorable body had organized by the election of

J. L. Robinson, of Macon, Speaker;

S. D. Pool, of Craven, Principal Clerk;

W. M. Hardy, of Buncombe, Assistant Clerk;

John H. Hill, of Randolph, Doorkeeper;

John E. Carter, of Rowan, Assistant Doorkeeper;  
and was now ready for the transaction of business.

Mr. Murphy moved that a message be sent to the House of Representatives, proposing to raise a joint select committee, to consist of two on the part of the Senate and three on the part of the House, to wait upon His Excellency, the Governor, and inform him that the General Assembly had organized, and was ready to receive any communication he might see fit to make. The motion prevailed.

The Chair designated Messrs. Murphy and Stilley as the Senate branch of said committee.

A message was received from the House of Representatives concurring in the proposition of the Senate to raise a joint committee to wait upon the Governor, and designating Messrs. McGehee, Johnston and Badger as the House branch of said committee.

Mr. Waring moved that the trustees of the University of North Carolina be allowed the use of the Senate Chamber at 3½ P. M. The motion prevailed.

The committee appointed to wait upon the Governor re-

ported that they had performed their duty, and announced that the Governor would communicate with the General Assembly by message in writing to the House of Representatives at 12 M.

At 12 M. the Senate proceeded in a body to the hall of the House of Representatives for the purpose of comparing, as directed by law, the returns from the several counties of the votes for Governor, Lieutenant Governor, and other State officers, cast in the election held on the first Thursday of August, 1872.

The two Houses sitting in joint session having compared the returns from the following counties, to-wit: Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden and Carteret, took a recess until 3½ P. M., and the Senate returned to its own chamber, and, on motion of Mr. Murphy, adjourned until 3¼ P. M.

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SENATE CHAMBER, 3¼ P. M., November 19, 1872.

The Senate met pursuant to adjournment.

Mr. Morehead of Rockingham, moved that when the Senate adjourns, it will adjourn to meet to-morrow at 11 A. M. The motion prevailed.

The hour of 3½ P. M. having arrived, the Senate proceeded to the hall of the House of Representatives.

The two Houses sitting in joint session having compared the returns from the following counties, to-wit: Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleaveland, Columbus, Craven, Cumberland, Currituck, Davidson, Davie, Duplin, Dare, Edgecombe, Forsythe, Franklin, Gaston, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, John-

ston, Lenoir, Lincoln, Madison and Martin, a recess was taken until 11½ A. M. to-morrow.

The Senate thereupon returned to its own chamber, and, On motion of Mr. Seymour, adjourned, until 11 A. M. to-morrow.

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### THIRD DAY.

SENATE CHAMBER, November 20, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Todd—A bill to prevent the spread of disease among cattle. To the Committee on Propositions and Grievances.

The following resolutions were introduced and disposed of, as follows :

By Mr. Norwood—Resolution to raise a joint select committee on the State debt and liabilities. Read and laid over under the rules.

Mr. Dunham presented a report from the joint select committee appointed by the last General Assembly to examine the accounts of the Treasurer for the last fiscal year closing on the 30th day of September, 1872.

On motion of Mr. Cunningham, the consideration of the report was suspended *pro tem.*, and a message was received from the House of Representatives concurring in the proposition to proceed to the election of an Enrolling Clerk for the General Assembly, and informing the Senate that Messrs. Outlaw and Dula were appointed tellers on the part of the House; that William J. Wilson, of Haywood, Jesse L.

Giles, of Randolph, were in nomination, and that body that would proceed to vote on the return of the messenger.

The Chair thereupon designated Messrs. Welch and Stilley to superintend the election on the part of the Senate.

The Senate then voted, as follows :

FOR MR. WILSON—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—28.

FOR MR. GILES—Messrs. Cramer, Grandy, Hill, Hyman, Long, McCotter, Respass, Seymour, Smith and Walker—11.

The consideration of the report presented by Mr. Dunham was resumed.

On motion of Mr. Cowles, it was ordered that the report be transmitted to the House of Representatives with a proposition to print the same.

The committee appointed to superintend the election of Enrolling Clerk, reported that 144 votes in all had been cast. That of these William J. Wilson, of Haywood, had received 89 votes and Jesse L. Giles, of Randolph, had received 55 votes; that William J. Wilson, of Haywood, having received a majority of all the votes cast was duly elected Enrolling Clerk. The report was received and concurred in.

The hour of 11½ A. M. having arrived, the Senate proceeded to the hall of the House of Representatives.

The two Houses sitting in joint session compared the returns from the following counties, to wit: McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pasquotank, Perquimans, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rutherford, Sampson, Stanley, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Wake, Warren, Washington, Wayne, Wilkes, Wilson, Yadkin, Yancey.

It appearing that no returns had been made from the counties of Gates, Jones, Macon, Rowan and Watauga, and that there were sundry inaccuracies in the other returns, on motion of Mr. Seymour, it was

*Resolved*, That a committee of five, two from the Senate and three from the House of Representatives, be appointed by the Speaker of the House to examine the returns of the Sheriffs of the different counties and report to the joint session of the General Assembly what returns were defective, and what steps should be taken by the joint session in accordance with law for their correction.

Under the resolution the Speaker of the House of Representatives appointed Messrs. Seymour and Dunham of the Senate, and McGehee, Bennett and Badger of the House.

The following resolution, offered by Mr. Brown of Mecklenburg, was read and adopted :

*Resolved*, That the Secretary of State be instructed to send to the Sheriffs of Gates, Jones, Macon, Rowan and Watauga and direct them to make return of the vote of their respective counties for State officers without delay.

On motion of Mr. Seymour, the publication of the returns was postponed until Wednesday, 4th December next, at 12 M. Thereupon the Senate returned to its own chamber, and,

On motion of Mr. Avera, adjourned until 11 A. M. tomorrow.

## FOURTH DAY.

SENATE CHAMBER, November 21, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Worth announced that Mr. Powell, the Senator elect from the Twenty-third District, was detained from his seat by sickness.

Mr. Merrimon asked and obtained leave to have his name recorded in favor of Mr. Wilson on the vote for Enrolling Clerk had on yesterday.

A message was sent to the House of Representatives transmitting the report from the committee appointed to examine the accounts of the Treasurer submitted by Mr. Dunham on yesterday, with a proposition to print the same.

Mr. Morehead of Rockingham, from the committee appointed to prepare rules of order for the Senate, submitted the following report, which was read and concurred in :

## SENATE RULES OF ORDER.

## ORDER OF BUSINESS.

1. The President having taken the chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistakes therein may be corrected.

2. After the reading and approval of the Journal, the order of business shall be as follows :

1. The Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Communications and Reports from State Officers.

6. Messages from the House of Representatives.
7. Introduction of Bills.
8. Motions, including those for leave of absence, and resolutions.
9. Unfinished Business of Preceding Day.
10. Special Orders.
11. General Orders; first, bills on third reading; second, bills on second reading; but messages from the Governor and House of Representatives, and communications and reports from State officers, and reports from the Committee on Engrossed Bills and Enrolled Bills, may be received and acted on under any order of business.

#### POWERS AND DUTIES OF THE PRESIDENT.

3. The President shall appoint all committees, unless otherwise ordered by the Senate.

4. He shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President, except that of giving a casting vote in case of a tie, when he shall have voted as a Senator; but his power as such substitute shall not continue for a longer period than two days without leave of the Senate.

5. He shall assign to the Doorkeepers their respective duties and stations.

6. He shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed as majority, three-fifths or two-thirds bills, as required by the Constitution or laws of this State.

#### OF THE CLERK.

7. The President and Clerk of the Senate shall see that all bills shall be acted upon by the Senate in the order in which they are reported and stand upon the Calendar, unless other-

wise ordered by two-thirds of the Senators present. The Calendar shall also in like manner and form include the number and title of bills and joint resolutions which have passed the House of Representatives and been received by the Senate for concurrence.

8. He shall transmit such bills as shall have originated in the Senate and been passed by both houses, to the Secretary of State, and enter the same on the Journal.

#### OF THE RIGHTS AND DUTIES OF SENATORS.

9. Every Senator presenting a paper shall indorse the same; if a petition, memorial, or report to the General Assembly, with a brief statement of its subject or contents, adding his name; if a resolution, with his name; if a report of a committee, a statement of such a report, with the name of the committee and member making the same; if a bill, a statement of its title, with his name.

10. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the Journals or public papers are being read; when the President is putting a question, or a division by counting shall be had, no Senator shall walk out of, or across the house, nor when a Senator is speaking pass between him and the President.

11. Every Senator wishing to speak or debate, or to present a petition or other paper, or to make a motion or report, shall rise from his seat and address the President, and shall not proceed further until recognized by him. No Senator shall speak more than twice the same day on the same subject without leave of the Senate; and when two or more Senators rise at once, the President shall name the Senator who is first to speak.

12. Every Senator who shall be within the bar of the Senate when a question is stated by the Chair, shall vote thereon, unless he shall be excused by the Senate, or unless he

be directly interested in the question; and the bar of the Senate shall include so much of the body of the Senate Chamber as is within the columns.

13. Any Senator requesting to be excused from voting may make, either immediately before or after the vote shall have been called, and before the result shall have been announced, a brief statement of the reasons for making such request, and the question shall then be taken without debate.

14. When a motion to adjourn, or for a recess, shall be affirmatively determined, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.

15. Standing Committees, consisting, unless otherwise ordered, of seven members, shall be appointed by the President on the following subjects:

1. Propositions and Grievances.
2. On Privileges and Elections.
3. On Claims.
4. On Judiciary.
5. On Internal Improvements.
6. On Education.
7. On Military Affairs.
8. On Agriculture, Mechanics and Mining.
9. On Banks and Currency.
10. On Corporations.
11. On Finance.
12. On Insurance.
13. On Penal Institutions.

A Standing Committee on Engrossed Bills, to consist of three or more Senators, shall be appointed by the President.

16. The Committee on Engrossed Bills shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report when they find them correctly engrossed.

17. Every report of the committee upon a bill or resolu-

tion which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the General Orders with the bill or resolution.

#### OF GENERAL ORDERS AND SPECIAL ORDERS.

18. The matters not referred to any committee, shall be placed on the list of General Orders, and the business of the General Orders shall be taken up as follows, viz: The Clerk shall announce the title of each bill, with the printed number, or other matter as it shall be reached in its order, when it may be taken up on the motion of any Senator, without the putting of any question therefor; but if not so moved, it shall lose its preference for the day.

19. Any bill or other matter may be made a Special Order for a particular day or hour by a vote of a majority of the Senators voting, and if it shall not be completed on that day, it shall be returned to its place in the General Orders, unless it shall be made a Special Order for another day; and when a Special Order is under consideration, it shall take precedence of any Special Order for a subsequent hour of the same day; but such subsequent Special Order may be taken up immediately after the previous Special Order has been disposed of.

#### OF BILLS.

20. Every bill shall be introduced by motion for leave or on the report of a committee, or by message from the House of Representatives.

21. When a bill shall be reported by a committee, and not otherwise disposed of, the question shall be, "Shall the report be received?" and when the report of such committee shall be received, and the bill not otherwise disposed of, the bill shall be placed upon the Calendar.

22. Every bill shall receive three readings previous to its

being passed, and the President shall give notice at each, whether it be the first, second or third. After the first reading, unless a motion shall be made by some Senator, it shall be the duty of the President to refer the subject matter to an appropriate committee. No bill shall be amended until it shall have been twice read, and no bill shall be read a third time out of its regular order, nor on the same day on which it passed its second reading, unless on a vote of two-thirds of all the Senators present.

23. The question on the final passage of every bill shall be taken by yeas and nays, which shall be entered on the Journal, and unless the bill receive the the number of votes required by the Constitution to pass it, it shall be declared lost, if a constitutional quorum or the number necessary to pass such a bill be present and voting.

24. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill require a vote of a certain proportion of all the Senators to pass it, and it appears that such a number is not present, there shall be a call of the House, and if a quorum is ascertained to be present, the bill shall be again read and the final question taken thereon; if the bill fail a second time for the want of a quorum or for the want of a necessary number being present and voting, the bill shall not be finally lost but shall be returned to the Calendar in its proper order.

25. When a question is before the Senate, no motion shall be received, except as herein specified; which motion shall have precedence in the order stated, viz:

1. For an Adjournment or Recess.
2. For the Previous Question.
3. To Lay on the Table.
4. To Postpone Indefinitely.
5. To Postpone to a Day Certain.
6. To Commit to a Standing Committee.
7. To Commit to a Select Committee.
8. To Amend.

The motions to adjourn and lay on the table shall be decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

26. The previous question shall always be as follows: "Shall the main question be now put?" and until it is decided shall preclude all debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall be first taken upon such amendments in their order without further debate. If such question be decided in the negative, the main question shall be considered as remaining under debate.

27. All motions shall be reduced to writing, if desired by the President or any Senator, delivered in at the table, and read by the President or Clerk, before the same shall be debated; but any such motion may be withdrawn at any time before decision or amendment.

28. If any question contain several distinct propositions, it shall be divided by the President, at the request of any Senator: *Provided*, Each sub-division, if left to itself, shall form a substantive proposition.

29. The respective motions to postpone to a day certain, or commit shall preclude debate on the main question.

30. When a blank is to be filled, and different sums or times shall be proposed, the question shall be first taken on the highest sum or the longest time.

31. When a question has been once put and decided, it shall be in order for any Senator who shall have voted in the majority to move a reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate. No bill or resolution shall be sent from the Senate on the day of its passage, except on

the last day of the session or by a vote of two-thirds of the Senators present. Nor shall any motion for reconsideration be in order unless made on the same day, or the next following legislative day on which the vote proposed to be reconsidered shall have taken place. Nor shall any question be reconsidered more than once.

32. All concurrent resolutions originating in the Senate shall lie on the table at least one day.

33. All questions relating to the priority of business shall be decided without debate.

34. When the reading of a paper is called for, except petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate.

35. No remark reflecting personally upon the action of any Senator shall be in order in debate, unless preceded by a motion or resolution of investigation or censure.

36. When a Senator shall be called to order, he shall take his seat until the President shall have determined whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator, and if a Senator be called to order for words spoken, the exceptional words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter

#### MISCELLANEOUS

37. Any Senator introducing a bill to amend a law, shall repeat in said bill the section as it will stand if the proposed amendment be adopted.

38. No smoking shall be allowed within the Senate Chamber during the sessions.

39. Senators and visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session,

and shall continue uncovered during their continuance in the Chamber.

40. No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is so absent without leave.

41. No person, other than the Executive and Judicial officers of the State, members and officers of the Senate and House of Representatives, unless on invitation of the President, or by a vote of the Senate, shall be admitted within the bar.

42. No rule of the Senate shall be altered, suspended or rescinded without a vote of a majority of all the Senators elected; and no motion to suspend shall embrace more than one rule, or relate to any other subject than the one specified in said motion.

43. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Door-keeper, or any other person, for any or all absent Senators, as the majority of Senators present shall determine.

44. The yeas and nays upon any question shall be taken and entered upon the Journal upon demand of one-fifth of the Senators present.

The following named Bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Waring—A bill for the relief of the Clerk of the Superior Court of the County of Franklin. To the Committee on Propositions and Grievances.

By Mr. Price—A bill for the relief of the sureties of the late Wm. A. Walton. To the Committee on Propositions and Grievances.

By Mr. Nicholson—A bill to amend the charter of the town of Statesville. To the Judiciary Committee.

By Mr. Flemming—A bill to repeal the Code of Civil

Procedure and to enact a new code in lieu thereof. To the Judiciary Committee.

By Mr. Murphy—A bill to incorporate the North Carolina State Life Insurance Company. To the Committee on Insurance.

A message was received from the House of Representatives transmitting the following resolution :

*The General Assembly of North Carolina do resolve, That a committee of three be appointed, one from the Senate and two from the House, to inquire into and report at this session of the General Assembly upon the feasibility and probable cost of supplying the offices and halls of the Capitol building with the most improved heating apparatus,*

and asking the concurrence of the Senate therein.

On motion of Mr. Flemming, the Senate concurred in the resolution.

A message was received from the House of Representatives transmitting the following resolution :

*Resolved by the House of Representatives, the Senate concurring, That a joint committee of three on the part of the Senate and five on the part of the House be appointed to recommend joint rules of order,*

and asking the concurrence of the Senate therein.

On motion of Mr. Murphy, the Senate concurred in the resolution.

A message was received from the House of Representatives transmitting the message of the Governor, with a proposition to print twenty copies of the same for each member of the General Assembly and fifty for the use of the Executive Department.

After the Clerk had read a portion of the message,

Mr. Cunningham moved that the further reading thereof

be dispensed with, for the reason that printed copies of the message had already been laid on the desks of every Senator. The motion prevailed.

On motion of Mr. Cunningham, the proposition to print was amended so as to provide for the printing of five copies of the message for each member of the General Assembly.

On motion of Mr. Cunningham, the proposition as amended was concurred in.

A message was received from the House of Representatives announcing that the House of Representatives had concurred in the proposition of the Senate to print the report submitted by the committee appointed by the last General Assembly to examine the accounts of the Treasurer.

The consideration of resolutions being in order,

Senate Resolution 8, resolution to raise joint select committee on State debt and liabilities, was read and passed.

Senate Resolution 7, resolution in favor of the Sheriff of Beaufort County, was read and rejected.

The Chair announced as the Senate branch of the committee to prepare joint rules of order, Messrs. Murphy, Grandy and Davis.

The Senate then, on motion of Mr. Respess, adjourned until 11 A. M. to-morrow.

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## FIFTH DAY.

SENATE CHAMBER, November 22, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Todd—A bill for the relief of certain school teachers. To the Committee on Education.

A bill to more effectually punish horse thieves. To the Judiciary Committee.

By Mr. Worth—A bill in relation to mining and manufacturing companies. To the Committee on Corporations.

By Mr. Troy—A bill amendatory of an act to consolidate the school laws and provide for a system of Public Instruction. To the Committee on Education.

By Mr. Cramer—A bill authorizing the County Commissioners of the county of Davidson to sell at public sale, public grounds in the town of Lexington, the proceeds of the same to be applied to the liquidation of the debt of said county. To the Committee on Corporations.

By Mr. Morehead, of Rockingham—A bill to amend chapter 199, of the Laws of 1871-'72. To the Committee on Corporations.

By Mr. Welch—A bill to repeal an act entitled an act to provide for a turnpike road from Salisbury, west, to the line of the State of Georgia, and all other acts amendatory of said act. To the Committee on Propositions and Grievances.

The following resolutions were introduced and disposed of, as follows:

By Mr. Murray—Resolution of instruction to the Committee on Education. Read and adopted.

By Mr. Grandy—Resolution requiring the Board of Directors of the Penitentiary to report to the Governor the condition of the State Prison. Read and laid over under the rules.

A message was sent to the House of Representatives announcing that the Senate had concurred in the proposition of the House of Representatives to raise a joint committee to prepare joint rules of order, and designating Messrs. Murphy, Grandy and Davis as the Senate branch of said committee. Also that the Senate had concurred in the

proposition of the House of Representatives to raise a joint select committee to inquire into and report upon the feasibility and probable cost of furnishing the offices and halls of the Capitol building with the most improved heating apparatus.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition of the House to print the message of the Governor with the following amendment: Strike out the word "twenty," and insert the word "five."

The Chair announced Messrs. Murray, Stafford and McCabe as the Committee on Engrossed Bills.

The President announced a communication from the Board of Directors of the Penitentiary to the General Assembly, accompanied by a correspondence between the Board and the Governor, and a report from the Board to the General Assembly.

Mr. Waring moved that the communication from the Board of Directors of the Penitentiary and the correspondence between the Board and the Governor be read. The motion prevailed, and the communication and correspondence were read.

Mr. Ellis, of Columbus, moved that the report from the Board of Directors of the Penitentiary be received and read.

Mr. Seymour moved that the consideration of that motion be postponed until Wednesday next.

Mr. Merrimon moved that the consideration of the motion be indefinitely postponed.

Mr. Worth moved the previous question.

The yeas and nays were ordered on demand of Mr. Seymour, and the Senate ordered that the main question be now put. Yeas 23; nays 22.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Humphrey, McCauley, Merrimon, Miller, Morehead, of Rocking-

ham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring and Worth—23.

*Negative*—Messrs. Chamberlain, Cramer, Ellis, of Catawba, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley, Walker and Welch—22.

The question recurring on the motion of Mr. Ellis, of Columbus, to receive and read the report, the yeas and nays were ordered on demand of Mr. Welch, and the motion prevailed. Yeas 27; nays 17.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—27.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Respass, Seymour, Smith, Stilley and Walker—17.

Mr. Troy moved that the reading of the report be dispensed with, that the report and accompanying documents be transmitted to the House of Representatives with a proposition to print 300 copies of the same.

Mr. Respass moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Cunningham, and the Senate refused to adjourn. Yeas 14; nays 20.

*Affirmative*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Hyman, King, Long, Mabson, McCotter, Respass, Smith and Stilley—14.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, McCauley, Merrimon, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Troy, Waring and Welch—20.

The question recurring on the motion by Mr. Troy, the

yeas and nays were ordered on demand of Mr. Harris, and the motion prevailed. Yeas 25; nays 16.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—25.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Mabson, McCotter, Respass, Seymour, Smith, Stilley and Walker—16.

On motion of Mr. Respass, the Senate then adjourned until 11 A. M. to-morrow.

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## SIXTH DAY.

SENATE CHAMBER, November 23, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The President announced the following Senate Standing Committees:

*Propositions and Grievances*.—Messrs. Love, Avera, Price, McCotter, Todd, Murray and Hill.

*Claims*.—Messrs. Troy, Flemming, McCauley, Miller, Ellis of Columbus, Mabson and Hyman.

*Judiciary*.—Messrs. Norwood, Allen, Merrimon, Flemming, Dunham, Seymour, Scott and Grandy.

*Internal Improvements*.—Messrs. Morehead of Rockingham, Welch, Humphrey, Cowles, Gudger, Respass and Mabson.

*Education*.—Messrs. Cunningham, Davis, Ellis of Columbus, Price, McCauley, Stilley and Eppes.

*Military Affairs.*—Messrs. Horton, Todd, Walker, Fleming, Price, Hill and Long.

*Privileges and Elections.*—Messrs. Cowles, Worth, Dunham, Miller, King, Barnhardt and McCabe.

*Agriculture.*—Messrs. Norwood, Murphy, Worth, McCotter, Nicholson, Holloman and Harris.

*Finance.*—Messrs. Worth, Humphrey, Merrimon, Seymour, Ellis of Catawba, Murray and King.

*Corporations.*—Messrs. Welch, Morehead of Rockingham, Long, Avera, Gudger, Price and Smith.

*Insurance.*—Messrs. Murphy, Welch, Cunningham, Seymour, Powell, Ellis of Catawba and McCabe.

Mr. Norwood asked to be excused from serving upon the Committee on the Judiciary. He was duly sensible of the high honor conferred upon him by being designated as the chairman of the Judiciary Committee of the Senate of North Carolina, but his advanced age and feeble health would, he feared, render it impossible for him to discharge satisfactorily the onerous duties the position would necessarily entail upon him in addition to his other duties as a Senator.

Mr. Grandy said he hoped the request of the Senator from Orange would not be complied with. He was opposed to the political party to which the Senator belonged, but he was none the less unwilling for the Senate and for the State to lose the benefit of the services of the Senator upon that committee, for which his eminent ability and well-known attainments so peculiarly fitted him.

Mr. Welch concurred with the Senator from Pasquotank in resisting the request of the Senator from Orange. It was apparent that legislation of an important character would engage the attention of the Senate, and it was, therefore, especially desirable that the venerable Senator should be at the head of the committee which would play such an important part in giving shape and direction to that legislation. As the Senator had been appointed upon other committees, Mr. Welch urged that he be excused from serving

upon them, in the hope that he would thereby be enabled to preside over the deliberations of the Judiciary Committee.

Mr. Norwood thanked the Senators for their kindly expressions toward himself. He felt obliged, however, to repeat his request to be excused. He was willing to work to the full extent of his ability, but for the reasons already given he feared he would be unequal to the task assigned to him.

The President announced that he fully concurred in what Senators had said, but that as the Senator from Orange insisted upon being excused, he felt obliged to yield to his request, and would thereupon designate Mr. Allen as the chairman of the Judiciary Committee.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Avera—A bill to protect horses and mules from a prevailing epidemic. To the Committee on Propositions and Grievances.

A bill to amend an act entitled an act concerning townships, ratified April 10th, 1869. To the Judiciary Committee.

By Mr. Humphrey—A bill to amend the charter of the Wilmington and Planters' Railway Company. To the Committee on Internal Improvements.

By Mr. Troy—A bill to amend chapter 152 of the Laws of 1872. To the Committee on Propositions and Grievances.

By Mr. McCauley—A bill to repeal an act entitled an act to prevent the reckless destruction of deer, ratified the 26th day of January, A. D. 1872. To the Committee on Propositions and Grievances.

By Mr. Stilley—A bill to regulate the rate of interest. To the Judiciary Committee.

By Mr. Mabson—A bill to repeal chapter 94 of the Private Laws of 1871-'72. To the Judiciary Committee.

By Mr. Norwood—A bill to incorporate the North Carolina Medicinal Company. Placed on the calendar.

On motion of Mr. Norwood, the rules were suspended and the bill was ordered to be put upon its several readings. The bill was read and passed the second time. The bill was then read the third time.

Mr. Love moved that the bill be referred to the Committee on Corporations, with instructions to the committee to report upon the same on Monday next, at 12 M., and also to report whether or not the corporation can be had under the general law, and if not, why it cannot be had. The motion prevailed.

A message was received from the House of Representatives announcing that that body had concurred in the amendment of the Senate to the proposition to print the Governor's message. Also designating Messrs. Houston, McNeill, Gorman, Marler, and Scott as the House branch of the Committee on Joint Rules of Order, and Messrs. Gorman and Jones, of Caldwell, as the House branch of the committee on heating apparatus.

Also, transmitting a message from His Excellency, the Governor, covering a report from the chairman of the Board of Commissioners of the Western Division of the Western North Carolina Railroad, with a proposition to print the same.

On motion of Mr. Merrimon, the report was referred to the Committee on Internal Improvements.

The following resolutions were introduced and disposed of, as follows:

By Mr. Respass—Resolution to raise special committee to investigate matters connected with the Penitentiary. Read and laid over under the rules.

By Mr. Seymour—Joint resolution authorizing Secretary of State.

On motion of Mr. Seymour, the rules were suspended and the further consideration of the resolution was post-

poned until Wednesday next, at 11½ A. M., and made special order for that hour.

The consideration of resolutions being in order, Senate resolution 20, resolution requiring the Board of Directors of the Penitentiary to report to the Governor the condition of the State prison, was read and laid upon the table.

A message was sent to the House of Representatives transmitting the report of the Board of Directors of the Penitentiary, the communication from the Board to the General Assembly, and the correspondence between the President of the Board and the Governor, with a proposition to print three hundred copies thereof.

A message was sent to the House of Representatives announcing that Messrs. Murphy, Grandy and Davis constituted the Senate branch of the committee to prepare joint rules of order.

Mr. Murphy, from the Joint Select Committee to Prepare Rules of Order for the General Assembly, submitted the following report, which was adopted, and ordered to be transmitted to the House of Representatives, with a proposition to print the same :

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### JOINT RULES OF ORDER.

1. Each House shall transmit to the other all papers on which any bill or resolution shall be forwarded.

2. When a bill or resolution which shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other shall be communicated by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.

4. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

5. In every case of difference between the two Houses

upon any subject of legislation, either House may request a conference, and appoint a committee for that purpose, and the other shall also appoint a committee to confer. The committee shall meet at such time and place as shall be appointed by the chairman of the committee on the part of the House requesting such committee. The conferees shall state to each other verbally, or in writing, as either shall choose, the views of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they may think advisable. But no committee on conference shall consider or report on any matters except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House; when such House shall have acted thereon, it shall transmit the same and the papers relating thereto, to the other with a message certifying its action thereon.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to conference, whether the papers on which such difference arose, are before the House receding formally or informally, and on such vote to recede the same number shall be required to constitute a quorum to act thereon and to assent to such receding as was required on the original question out of which the difference arose.

7. All joint committees of the two Houses, and all committees of conference shall consist of three Senators and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.

8. There shall be printed on joint order, unless otherwise specified, two hundred and twenty copies of all messages from the Governor, all reports of standing or select committees, and all reports or communications made in pursuance of law.

9. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one joint order, unless otherwise expressly directed by either House.

10. The Clerk of each House shall receive from the Public Printer all matter ordered by their respective Houses, and shall keep a book and enter therein the time of reception by him of every such bill or document, and the number of copies received, and shall cause each and any of such bills or documents to be immediately placed upon the desks of the members.

11. The two hundred and twenty copies of messages from the Governor, reports of committees, and reports or communications made in pursuance of law, ordered to be printed by section eight, shall be distributed as follows: To the Senate, seventy copies; to the House of Representatives, one hundred and fifty copies.

12. There shall be joint standing committees consisting of three members of the Senate and five members of the House of Representatives, on the following subjects:

1. On Public Buildings and Grounds.
2. On Library.
3. On Deaf, Dumb and Blind Asylum.
4. On Insane Asylum.
5. On Enrolled Bills.
6. On Penal Institutions.
7. On Printing.

It was ordered that the names of the members of the Senate and Joint Standing Committees be printed on placards and posted in conspicuous places in the Senate Chamber.

On motion, the Senate then adjourned until 11 o'clock A. M., Monday.

## SEVENTH DAY.

SENATE CHAMBER, November 25, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of Saturday was read.

Mr. R. J. Powell, Senator elect from the Twenty-second Senatorial district, presented his credentials and was duly qualified.

Reports from standing committees were then submitted, as follows :

From the Committee on Propositions and Grievances :

By Mr. Love—Senate bill 12, a bill to be entitled an act for the relief of the sureties of the late Wm. A. Walton.

Senate resolution 4, resolution in regard to internal revenue, with recommendations that they do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Humphrey—A bill to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company. To the Committee on Internal Improvements.

By Mr. Flemming—A bill to be entitled an act to facilitate the sale of the public lands. To the Committee on Education.

By Mr. Troy—A bill to be entitled an act to re-enact and continue in force the charter of the Fayetteville and Florence Railroad Company. To the Committee on Internal Improvements.

The following resolutions were introduced and acted on, as follows :

By Mr. Respass—Resolution in favor of the Sheriff of Dare county. Read and laid over under the rules.

The consideration of resolutions being in order,

Senate resolution 30, joint resolution to raise select com-

mittee to investigate matters connected with the Penitentiary, was read and adopted.

Senate resolution 4, resolution in regard to internal revenue, was read, and,

On motion of Mr. Seymour, referred to the Judiciary Committee.

On motion of Mr. Welch, further time was given to the Committee on Corporations to consider and report upon the bill to be entitled an act to incorporate the North Carolina Medicinal Company.

Bills upon their second reading were acted on, as follows :

Senate bill 12, a bill to be entitled an act for the relief of the sureties of the late Wm. A. Walton, was read and passed second time.

On motion of Mr. Worth, the rules were suspended and the bill was read and passed third time. Yeas 44; nays 1.

*Affirmative.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Smith, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—44.

*Negative.*—Mr. Chamberlain.

A message was sent to the House of Representatives transmitting the report from the Joint Committee to Prepare Rules of Order for the General Assembly, with a proposition to print the same.

The following bills and resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

Senate Resolution 8—Resolution to raise a joint select committee on the State debt and liabilities.

The Chair announced Messrs. Troy, Worth, Murphy, Mur-

ray, Scott, McCotter and Respass as the Senate standing committee on penal institutions, and Mr. Murphy as Senate branch of joint select committee to report upon a heating apparatus for the Capitol.

On motion, the Senate then adjourned until to-morrow morning 11 o'clock.

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### EIGHTH DAY.

SENATE CHAMBER, November 26, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Atkinson.

The Journal of yesterday was read.

Reports from Standing Committees were then submitted, as follows:

From the Committee on Internal Improvements:

By Mr. Morehead of Rockingham—Senate bill 20—A bill to be entitled an act to amend the charter of the Wilmington and Planters' Railway Company, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Eppes, a bill to be entitled an act to amend section 7 of chap. 185, Laws of 1871-'72. To the Judiciary Committee.

By Mr. Hyman, a bill to be entitled an act to incorporate Square Stone Lodge, No. 10, Ancient York Masons, of the town of Warrenton. To the Committee on Corporations.

By Mr. Waring, a bill to be entitled act in relation to depositions. To the Judiciary Committee.

By message from the House of Representatives—House bill 3—a bill to be entitled an act to change the time of holding the Superior Court of Wake county. Placed on Calendar.

Mr. Harris moved that the rules be suspended and the bill be put upon its several readings.

The motion prevailed, and the bill was read and passed the second time. The bill was then read the third time, and, on motion of Mr. Morehead, of Rockingham, was referred to the Judiciary Committee, with instructions to report on Friday morning.

The following resolutions were introduced and disposed of, as follows :

By message from the House of Representatives—House resolution—Resolution to raise a joint select committee on Constitutional reform. Concurred in.

House resolution—Resolution in relation to the pensions of the soldiers of 1812. Referred to the Committee on Military Affairs.

House resolution—Resolution to authorize the Joint Committee to examine the returns, to send for persons and papers. Read and passed first time.

On motion, the rules were suspended and the resolution was read and passed second and third times. Yeas 45 ; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—45.

*Negative*.—0.

By Mr. Ellis, of Columbus—Resolution in favor of D. Pigott as tax collector of the county of New Hanover. Read and passed first time.

Mr. Ellis, of Columbus, moved that the rules be suspended and the resolution be put upon its several readings. The motion prevailed, and the resolution was read second time.

Mr. Troy moved to amend by inserting the following proviso, to come in after the word "law" in the third line from the bottom: *Provided, nevertheless*, that three-fourths of the amount of taxes due the State by said county shall be

deposited with the Public Treasurer by the second day of December next; otherwise this act shall have no force or effect. The amendment was adopted.

Mr. Allen moved to amend by striking out the word March and inserting the word February. This amendment was also adopted, and the resolution passed second time. The resolution was then read and passed third time. Yeas 46; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—46.

*Negative*—0.

A message was received from the House of Representatives announcing that that body had concurred in Senate resolution 8—Resolution to raise a joint select committee on State debt and liabilities, and designating Messrs. McGehee, Reid of Mecklenburg, Badger, Bowman, Johnston, Standford, Moore, Settle and Guyther as the House branch of said committee.

A message was received from the House of Representatives announcing that that body had concurred in the proposition of the Senate to adopt and print the report of the Committee on Joint Rules of Order.

A message was received from the House of Representatives announcing that that body would, at 12 M., proceed to vote for a Senator to represent the State of North Carolina in the Congress of the United States, and in response thereto a message was sent to the House of Representatives announcing that the Senate would also at the same hour proceed to vote for the same purpose.

A message was sent to the House of Representatives design-

nating Mr. Humphrey as the Senate branch of the committee on heating apparatus.

At 12 M., the President announced that the hour had arrived for the Senate to vote for a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years from the 4th of March next ensuing, in the place of the Hon. John Pool, and that nominations were then in order; thereupon,

Mr. Waring nominated Zebulon B. Vance, of Mecklenburg.

Mr. Welch nominated Augustus S. Merrimon, of Wake.

Mr. Grandy nominated John Pool, of Pasquotank.

The Senate then voted openly by a *viva voce* vote, as follows, under the supervision of Messrs. Waring, Welch and Grandy:

For Mr. Vance, 25 votes; for Mr. Pool, 18 votes, and for Mr. Merrimon, 7 votes.

Those who voted for Mr. Vance are: Mr. President, and Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth.

Those who voted for Mr. Pool are: Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker.

Those who voted for Mr. Merrimon are: Messrs. Avera, Cowles, Humphrey, Love, Merrimon, Powell and Welch.

There were fifty votes cast in all, and no person received a majority of all the votes cast.

The consideration of resolutions being in order, Senate resolution 32, in favor of the sheriff of Dare county, was read and passed second time.

Mr. Welch moved to amend the Senate Rules of Order so as to provide that the Judiciary Committee shall consist of thirteen members instead of seven members, as heretofore constituted. The amendment prevailed.

The Senate then adjourned until to-morrow morning at 11 o'clock.

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### NINTH DAY.

SENATE CHAMBER, November 27, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. A. W. Mangum.

The Journal of yesterday was read.

The Chair announced that Messrs. Norwood, Waring, Worth, Welch, Davis and Hill constituted the Senate branch of the Joint Select Committee on the State Debt and Liabilities, and that Messrs. Merrimon, Humphrey and Seymour constituted the Senate branch of the Joint Select Committee on Constitutional Reform.

A message was received from his Excellency the Governor, covering a report from the Secretary and Treasurer of the Board of Trustees of the University, which, on motion of Mr. Welch, was ordered to be transmitted to the House of Representatives, with a proposition to print the same.

Reports from Standing Committees were then submitted, as follows:

From the Committee on the Judiciary:

By Mr. Allen—House bill 3, Senate bill 42—A bill to be entitled an act to change the time of holding the Superior Courts of Wake county, with an amendment.

By Mr. Seymour—Senate bill 14—A bill to be entitled an act to more effectually punish horse thieves, with recommendation that it do not pass.

From the Committee on Corporations:

By Mr. Welch—Senate bill 15—A bill to be entitled an act in relation to mining and manufacturing companies, with an amendment in the nature of a substitute.

Senate bill 23—A bill to be entitled an act to incorporate the North Carolina Medicinal Company, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 10—A bill to be entitled an act for the relief of the clerk of the Superior Court of the county of Franklin, with a recommendation that it do not pass.

Senate bill 1—A bill to be entitled an act to prevent the spread of disease among cattle, with accompanying amendments.

From the Committee on Insurance:

By Mr. Murphy—Senate bill 9—A bill to be entitled an act to incorporate the North Carolina State Life Insurance Company, with a recommendation that it do pass.

The following resolutions were introduced and disposed of, as follows:

By Mr. Cowles—Resolution in regard to soldiers and soldiers' widows of the war of 1812. Read and laid over under the rules.

By Mr. Norwood—Resolution in regard to the Lovejoy Academy. Read and laid over under the rules.

By Mr. Powell—Joint resolution of instruction to Principal Clerk of Senate. Read and laid over under the rules.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. McCauley—A bill to be entitled an act in relation to County Commissioners. To the Judiciary Committee.

By Mr. Ellis of Columbus—A bill to be entitled an act to relieve Daniel J. Clark, late sheriff of Bladen county. To the Committee on Propositions and Grievances.

By Mr. Murphy—A bill to be entitled an act to amend

an act to incorporate the Wilmington Mutual Insurance Company. To the Committee on Insurance.

By Mr. Waring—A bill to be entitled an act in relation to the venire. To the Judiciary Committee.

At 11½ A. M. the Senate proceeded to the consideration of Senate Resolution 22, resolution authorizing the Secretary of State to send for the returns of the election for State officers had in August last, it being the special order for that hour.

The resolution was read second time.

Mr. Seymour moved to amend by striking out the word "Rowan"; the amendment was adopted, and the resolution passed second time.

On motion, the rules were then suspended, and the resolution was read and passed third time. Yeas 30; nays 14.

*Affirmative*—Messrs. Allen, Chamberlain, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Mabson, McCabe, McCotter, Merrimon, Morehead of Rockingham, Murray, Norwood, Powell, Respass, Seymour, Smith, Stafford, Stilley and Welch—30.

*Negative*—Messrs. Barnhardt, Cowles, Ellis of Catawba, Gudger, Horton, Love, McCauley, Miller, Murphy, Nicholson, Price, Todd, Troy and Waring—14.

Mr. Seymour moved that the rules be suspended and the resolution be ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The yeas and nays were ordered, on demand of Mr. Waring, and the resolution was adopted. Yeas 33; nays 13.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murray, Norwood, Powell, Respass, Seymour, Smith, Stafford, Stilley, Walker and Welch—33.

*Negative*—Messrs. Barnhardt, Cowles, Davis, Ellis of Catawba, Gudger, Horton, McCauley, Murphy, Nicholson, Price, Todd, Troy and Waring—13.

Bills on their third reading were acted on, as follows :

Senate bill 23—A bill to be entitled an act to incorporate the North Carolina Medicinal Company. Read and passed third time. Yeas 39 ; nays 2.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, Love, Mabson, McCauley, McCotter, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—Messrs. King and Respass—2.

House bill 3, Senate bill 42—A bill to be entitled an act to change the time of holding the Superior Courts of Wake county.

The bill was read. The amendment offered by the Judiciary Committee was adopted, and the bill passed third time. Yeas 38 ; nays 3.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, King, Love, McCotter, Merri-  
mon, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth—38.

*Negative*—Messrs. Barnhardt, McCauley and Waring—3.

The amendment was ordered forthwith to be engrossed and transmitted to the House of Representatives for concurrence.

Mr. Welch moved that a message be sent to the House of Representatives informing that body that the Senate would leave its chamber at five minutes before 12 M., and proceed

to the hall of the House of Representatives, for the purpose of comparing the vote had on yesterday by the General Assembly for United States Senator. The motion prevailed, and the message was accordingly sent.

At 12 M. the Senate proceeded to the hall of the House of Representatives for the purpose of comparing, as required by law, the vote had on yesterday by the respective Houses of the General Assembly for a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years from the 4th day of March next ensuing.

The two Houses being assembled in joint session, the Clerk of the Senate read the Journal of the Senate for yesterday, and the Clerk of the House of Representatives read the Journal of that body for the same day.

Thereupon the President of the Senate announced that it appeared that in the vote had on yesterday no candidate had received a majority of all the votes cast in either House of the General Assembly, and that therefore in accordance with the law of the United States regulating the election of Senators of the United States, the General Assembly must now proceed to vote in joint session, and that nominations were in order.

Mr. Waring nominated Zebulon B. Vance, of Mecklenburg.

Mr. Welch nominated Augustus S. Merrimon, of Wake, and Mr. Grandy nominated John Pool, of Pasquotank.

The Chair appointed Messrs. Waring, Welch and Grandy to superintend the election on the part of the Senate, and Messrs. Jones of Caldwell, Badger and Hanner to superintend the election on the part of the House of Representatives.

The Clerk of the Senate then proceeded to call the roll of the Senate, and the Senators voted openly by a *viva voce* vote, as follows:

For Zebulon B. Vance, 25 votes ; for Augustus S. Merrimon, 7 votes ; for John Pool, 18 votes.

Those who voted for Mr. Vance are: Mr. President, Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth.

Those who voted for Mr. Merrimon are: Messrs. Avera, Cowles, Humphrey, Love, Merrimon, Powell and Welch.

Those who voted for Mr. Pool are: Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker.

The Clerk of the House of Representatives then called the roll of that body, and the members thereof voted openly by a *viva voce* vote, as follows:

For Zebulon B. Vance, 53 votes ; for John Pool, 54 votes ; for Augustus S. Merrimon, 13 votes.

Those who voted for Mr. Vance are: Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryan of Sampson, Bryan of Alleghany, Bullard, Byrd, Carter, Craige, Freeman, Grant, Gidney, Gilmer, Grady, Gudger, Houston, Johnston, Jones of Caldwell, Jones of Orange, Jones of Tyrrell, Johns, Lindsay, Lucky, Maxwell, McGehee, McNeill, Mitchell, Moore, Moss, Morrison, Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shaw, Shinn of Iredell, Shinn of Cabarrus, Shackelford, Standford, Stowe, Todd, Turner, Warlick, Waddill, Watson, Webb, Wiley and Woodhouse.

Those who voted for Mr. Pool are: Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Copeland, Corson, Cox, Darden, Davis, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Gorman, Goodwyn, Gray, Guyther, Hampton, Heaton, Hughes, Jones of Camden,

Jones of Northampton, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Miller, Michael, Patrick, Paschall, Perry of Bladen, Perry of Wake, Reid of Randolph, Scott, Sharp, Sneed, Trivett, Winslow, Williamson, Wheeler and Whisnant.

Those who voted for Mr. Merrimon are: Messrs. Anderson of Clay, Bryson of Jackson, Bryson of Swain, Carson, Dickey, Hanner, Haynes, Hinnant, Joyner, Marler, Moring, Waugh and Whitmire.

The Chair thereupon announced that 170 votes had been cast in all, that Zebulon B. Vance had received 78 votes, that John Pool had received 72 votes, that Augustus S. Merrimon had received 20 votes, and that no person had received a majority of all the votes cast.

On motion of Mr. Gorman, of the House of Representatives, the two Houses sitting in joint session, thereupon adjourned until 12 M. to-morrow, and the Senate returned to its own chamber.

The following bills and resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

Senate bill 12—A bill to be entitled an act for the relief the sureties of the late William A. Walton.

Senate resolution 30—Resolution to raise select committee to investigate matters connected with the Penitentiary.

Senate resolution 38—Resolution in favor of David Pigott, as tax collector of the county of New Hanover.

On motion of Mr. Cowles, it was ordered that the report of the Superintendent of Public Instruction be printed.

Mr. Worth offered a resolution to print the documents accompanying the annual message of the Governor, with the exception of the report of Judge Battle, which was adopted.

Leave of absence was granted to Mr. Mabson for two days. The Senate then adjourned until 11 $\frac{3}{4}$  A. M., to-morrow.

## TENTH DAY.

SENATE CHAMBER, November 28, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

At 12 M. the Senate proceeded to the hall of the House of Representatives for the purpose of voting, as prescribed by law, for a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years, from the 4th day of March next ensuing.

The Clerk of the House of Representatives read the Journal of that body for yesterday. The Chair thereupon announced that the two houses sitting in joint session would now proceed to the election.

Mr. Waring nominated Zebulon B. Vance.

Mr. Grandy nominated John Pool.

Mr. Hanner, of the House, nominated Augustus S. Merrimon.

The Clerk of the Senate thereupon called the roll of the Senate, and Senators voted openly by a *viva voce* vote, as follows:

For Zebulon B. Vance, 24 votes; for John Pool, 18 votes; for Augustus S. Merrimon, 7 votes.

Those who voted for Mr. Vance are: Mr. President, Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy and Waring.

Those who voted for Mr. Pool are: Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker.

Those who voted for Mr. Merrimon are: Messrs. Avera, Cowles, Humphrey, Love, Merrimon, Powell and Welch.

The Clerk of the House of Representatives then called the roll of that body, and the members thereof voted openly by a *viva voce* vote, as follows: For Mr. Vance, 52 votes; for Mr. Pool, 52 votes; for Mr. Merrimon, 13 votes.

FOR MR. VANCE—Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryan of Sampson, Bryan of Alleghany, Byrd, Carter, Craige, Freeman, Gant, Gidney, Gilmer, Grady, Gudger, Houston, Johnston, Jones of Caldwell, Jones of Orange, Jones of Tyrrell, Johns, Lindsay, Luckey, Maxwell, McGehee, McNeill, Mitchell, Moore, Moss, Morrison, Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shaw, Shinn of Iredell, Shinn of Cabarrus, Shackelford, Stanford, Stowe, Todd, Turner, Warlick, Waddill, Watson, Webb, Wiley and Woodhouse.

FOR MR. POOL—Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Copeland, Corson, Cox, Darden, Davis, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Gorman, Goodwyn, Gray, Guyther, Hampton, Heaton, Hughes, Jones of Camden, Jones of Northampton, Jordan, King, Lloyd, Mabson, McLaurin, Miller, Michael, Patrick, Paschall, Perry of Bladen, Perry of Wake, Rhodes, Scott, Sharp, Sneed, Trivett, Winslow, Williamson, Wheeler and Whisnant.

FOR MR. MERRIMON—Messrs. Anderson of Clay, Bryson of Jackson, Bryson of Swain, Carson, Dickey, Hanner, Haynes, Hinnant, Joyner, Marler, Moring, Waugh and Whitmire.

The Chair thereupon announced that 166 votes had in all been cast, that Zebulon B. Vance had received 76 votes, that John Pool had received 70 votes, that Augustus S. Merrimon had received 20 votes, and that no person had received a majority of all the votes cast.

Mr. Love moved that when the two houses sitting in joint session adjourns it will adjourn to meet at 12 M. to-morrow. The motion prevailed.

On motion, the Joint Assembly then adjourned, and the Senate returned to its own chamber.

Mr. Love introduced a resolution in regard to the compilation of the public laws, which was read, and, under a suspension of the rules, adopted and ordered to be forthwith transmitted to the House of Representatives for concurrence.

Leave of absence was granted to Mr. Worth until Monday next.

The Senate then adjourned until 11 A. M. to-morrow.

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### ELEVENTH DAY.

SENATE CHAMBER, November 29, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was sent to the House of Representatives transmitting a message from His Excellency, the Governor, covering a report from the Secretary and Treasurer of the Board of Trustees of the University of North Carolina, with a proposition to print the same.

Reports from Standing Committees were then submitted, as follows :

From the Committee on Internal Improvements :

By Mr. Morehead of Rockingham—Senate bill 33—A bill to be entitled an act to re-enact and continue in force the charter of the Fayetteville and Florence Railroad Company, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Welch—Senate bill 37—A bill to be entitled an act to incorporate Square Stone lodge, number ten, Ancient

York Masons, of the town of Warrenton, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 27—A bill to be entitled an act to amend chapter 152 of the laws of 1872, with a recommendation that it do pass.

Senate bill 24—A bill to be entitled an act to protect horses and mules from a prevailing epidemic, with accompanying amendments.

From the Committee on the Judiciary:

By Mr. Allen—Senate bill 3—A bill to be entitled an act to alter the Constitution of North Carolina, with a recommendation that it be referred to the Joint Select Committee on Constitutional Reform. Report concurred in.

By Mr. Merrimon—Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville, with a recommendation that it do not pass.

A message was sent to the House of Representatives transmitting engrossed Senate amendment to House bill 3, Senate bill 42—A bill to be entitled an act to change the time of holding the Superior Courts of Wake county, and asking the concurrence of the House therein.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Price—A bill to be entitled an act to regulate mortgages by corporations and sales under the same. To the Judiciary Committee.

A bill to be entitled an act concerning Clerks of Superior Courts. To the Judiciary Committee.

By Mr. Powell—A bill to be entitled an act defining the duties of Judges in certain cases. To the Judiciary Committee.

By Mr. Barnhardt—A bill to be entitled an act to change the time for holding the Spring Term of the Superior Court for the county of Cabarrus. To the Judiciary Committee.

By Mr. Walker—A bill to be entitled an act to prevent the citizens of this State carrying deadly weapons. To the Judiciary Committee.

By Mr. Waring—A bill to be entitled an act in relation to mills. To the Judiciary Committee.

By message from the House of Representatives—House bill 10—A bill to be entitled an act to provide for the elections of Judges of the Superior Courts by the voters of their respective districts. To the Judiciary Committee.

The following resolutions were introduced and disposed of, as follows:

By Mr. Dunham—Resolution in favor of Wm. H. Battle. Read and passed first time and referred to the Committee on Claims.

By message from the House of Representatives—House resolution 27—Resolution to print the usual number of Hon. W. H. Battle's reports. Referred to the Judiciary Committee.

House resolution 10—Resolution to purchase national colors. Referred to the Committee on Propositions and Grievances.

House resolution 28—Resolution to raise a joint select committee on the report of Hon. W. H. Battle. Placed on the Calendar.

House resolution 12—Resolution asking Congress to amend the Pension law. Concurred in.

House resolution 23—Resolution raising a joint committee on constitutional reform. Concurred in.

House resolution 1—Resolution in relation to *per diem* of absent members. Referred to the Committee on Finance.

House resolution 25—Resolution in regard to election returns for executive officers. Referred to the Committee on Privileges and Elections.

House resolution 22—Joint resolution to provide for deficiencies in the annual supply of stationery. Read and passed first time.

By Mr. Waring—Resolution in relation to Lee Dunlap.

The resolution was read. The yeas and nays were ordered, on demand of Mr. Harris, and the resolution was not adopted. Yeas 17; nays 23.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Price, Todd, Troy and Waring.

*Negative*—Messrs. Chamberlain, Cramer, Cunningham, Davis, Dunham, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCotter, Norwood, Powell, Respass, Seymonr, Stilley, Walker and Welch.

By message from the House of Representatives—House resolution 2—Resolution in regard to the removal of disabilities. The resolution was read.

Mr. Love moved to amend by striking out the word “enact” and inserting in lieu thereof the word “resolve.” The amendment was adopted.

Mr. Cowles moved to amend by inserting Lawrence S. Baker. The amendment was adopted.

Mr. Price moved to amend by inserting the name of John T. Williams, of Warren. The amendment was adopted.

Mr. Harris moved to amend by adding the following: “and all other citizens of North Carolina laboring under such disabilities.” The amendment prevailed, and the resolution was then concurred in.

At 12 M. the Senate proceeded to the hall of the House of Representatives for the purpose of voting, as required by law, for a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years, from the fourth day of March next ensuing.

The Clerk of the House of Representatives read the Journal of that body for yesterday.

The Chair thereupon announced that the business of the joint session of the two houses being the election of a Senator, nominations were in order.

Mr. Waring nominated Zebulon B. Vance.

Mr. Grandy nominated John Pool.

Mr. Hanner, of the House, nominated Augustus S. Merrimon.

The Chair appointed Messrs. Waring, Grandy and Welch to superintend the election on the part of the Senate, and Messrs. Badger, Jones of Caldwell, and Hanner on the part of the House.

Thereupon the Clerk of the Senate called the roll of the Senate, and Senators voted openly by a *viva voce* vote, as follows :

For Zebulon B. Vance, 23 votes ; for John Pool, 18 votes ; for Augustus S. Merrimon, 8 votes.

Those who voted for Mr. Vance are : Mr. President, Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy and Waring.

Those who voted for Mr. Pool are : Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker.

Those who voted for Mr. Merrimon are : Messrs. Avera,, Cowles, Flemming, Humphrey, Love, Merrimon, Powell and Welch.

The Clerk of the House of Representatives then called the roll of that body, and the members thereof voted openly by a *viva voce* vote, as follows ;

For Zebulon B. Vance, 51 votes ; for John Pool, 53 votes ; for Augustus S. Merrimon, 14 votes.

Those who voted for Mr. Vance are : Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryan of Sampson, Bryan of Alleghany, Bulard, Byrd, Carter, Craige, Freeman, Gant, Gidney, Gilmer, Grady, Gudger, Houston, Johnston, Jones of Caldwell, Jones of Orange, Jones of Tyrrell, Johns, Lindsay, Luckey, Maxwell, McGehee, McNeill, Mitchell, Moore, Moss, Morrison,

Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shinn of Cabarrus, Shackelford, Stanford, Stowe, Todd, Turner, Warlick, Waddill, Watson, Webb, Wiley and Woodhouse.

Those who voted for Mr. Pool are: Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Copeland, Corson, Cox, Darden, Davis, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Gorman, Goodwyn, Gray, Guyther, Hampton, Heaton, Hughes, Jones of Camden, Jones of Northampton, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Miller, Michael, Patrick, Paschall, Perry of Bladen, Perry of Wake, Rhodes, Scott, Sharp, Sneed, Trivett, Winslow, Williamson, Wheeler and Whisnant.

Those who voted for Merrimon are: Messrs. Anderson of Clay, Bryson of Jackson, Bryson of Swain, Carson, Dickey, Hanner, Haynes, Hinnant, Joyner, Marler, Moring, Shaw, Waugh and Whitmire.

The Chair thereupon announced that 167 votes had in all been cast, that Zebulon B. Vance had received 75 votes, that John Pool had received 70 votes, that Augustus S. Merrimon had received 22 votes, and that neither of the candidates had received a majority of all the votes cast.

Mr. Harris moved that when the two houses sitting in joint session adjourn, they will adjourn to meet at 12 M., to-morrow. The motion prevailed.

Mr. Murphy moved that the Joint Assembly proceed to vote again for a United States Senator.

Mr. Harris moved that the Joint Assembly do now adjourn. The latter motion prevailed, and the Senate returned to its own chamber.

The consideration of resolutions being in order,

House resolution 22—Joint resolution to provide for deficiencies in the annual supply of stationery was read and passed second and third times. Yeas 44; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamber-

lain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring and Welch.—44.

*Negative*—0.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

Resolution in favor of David Pigott, tax collector of New Hanover county.

Resolution to authorize the joint committee to examine the returns of election in August last, to send for persons and papers.

A message was received from the House of Representatives transmitting engrossed House amendment to the Senate amendment to House bill 3.

Senate bill 42—A bill to be entitled an act to change the time of holding the Superior Courts of Wake county. Made special order for 11½ A. M. to-morrow.

The following bills, resolutions and amendments reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

Senate resolution 49—Resolution in regard to the compilation of the public laws.

Senate resolution 22—Senate resolution authorizing the Secretary of State to send special messenger to certain counties for election returns.

The Senate then adjourned until 11 A. M. to-morrow.

## TWELFTH DAY.

SENATE CHAMBER, November 30, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were then submitted, as follows :

From the Committee on the Judiciary :

By Mr. Merrimon—Senate bill 25—A bill to be entitled an act to amend an act concerning townships, ratified April 10th, 1869, with an amendment in the nature of a substitute.

Senate bill 39—A bill to be entitled an act to repeal section 7 of chapter 185, laws of 1871-'72, with a recommendation that it do not pass.

From the Committee on Privileges and Elections :

By Mr. Cowles—House resolution 25, Senate resolution 53—Resolution in regard to election returns for executive officers, with a recommendation that it be adopted.

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham—Report in relation to the report of N. W. Woodfin, commissioner, &c., in relation to the Western North Carolina Railroad.

The report of Mr. Woodfin was ordered to be printed.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Davis—A bill to be entitled an act to amend section 66 of chapter 113 of the acts of 1868-'69. To the Judiciary Committee.

By Mr. Gudger—A bill to be entitled an act in relation to the office of sheriff of Yancey. To the Judiciary Committee.

By Mr. Murphy—A bill to be entitled an act to extend

the time for the redemption of property sold for taxes. To the Committee on Propositions and Grievances.

By message from House of Representatives—House bill 10—A bill to be entitled an act to provide for the election of judges of the Superior Court by the voters of their respective districts. To the Judiciary Committee.

Mr. Ellis, of Columbus, moved that the rules be suspended, and that Senate bill 47, a bill to be entitled an act for the relief of D. J. Clarke, late sheriff of Bladen county, be put upon its several readings. The motion prevailed and the bill was read the second time.

The question being upon the amendment in the nature of a substitute offered by the Committee on Propositions and Grievances,

Mr. King moved to amend by striking out the words "costs and." The amendment did not prevail.

The amendment in the nature of a substitute was then adopted and the bill passed second time.

The bill was then read and passed the third time. Yeas 44; nays 1.

*Affirmative.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring and Welch—44.

*Negative.*—Mr. King.

On motion, the rules were suspended and the bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following bill, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

Senate bill 23—A bill to be entitled an act to incorporate the North Carolina Medicinal Company.

The following resolutions were introduced and disposed of, as follows:

By message from the House of Representatives—House resolution 33, resolution in favor of certain sheriffs. Read and referred to the Committee on Propositions and Grievances.

At 11½ A. M. the Senate proceeded to the consideration of the House amendment to the Senate amendment to House bill 3, Senate bill 42, a bill to be entitled an act to change the time of holding the Superior Courts of Wake county, it being the special order for that hour. The amendment was read and concurred in, and the bill ordered to be enrolled.

At 12 M. the Senate proceeded to the hall of the House of Representatives for the purpose of voting, as required by law, for a Senator to represent the State of North Carolina for the term of six years, from the 4th day of March next ensuing.

The Clerk of the House of Representatives read the Journal of that body for yesterday.

Thereupon the Chair announced that the business of the Joint Assembly was the election of a Senator, and that nominations were then in order.

Mr. Reid, of Mecklenburg, nominated Zebulon B. Vance, of Mecklenburg.

Mr. Hanner nominated Augustus S. Merrimon, of Wake.

Mr. Grandy nominated John Pool, of Pasquotank.

The Clerk of the Senate thereupon called the roll of the Senate, and Senators voted openly by a *viva voce* vote, as follows:

For Zebulon B. Vance, 24 votes; for John Pool, 18 votes; for Augustus S. Merrimon, 7 votes.

Those who voted for Mr. Vance are: Mr. President, Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham,

Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy and Waring—24.

Those who voted for Mr. Merrimon are: Messrs. Avera, Cowles, Humphrey, Love, Merrimon, Powell and Welch—7.

Those who voted for Mr. Pool are: Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker—18.

The Clerk of the House of Representatives thereupon called the roll of that body, and the members thereof voted openly by a *viva voce* vote, as follows:

For Zebulon B. Vance, 48 votes; for John Pool, 50 votes; for Augustus S. Merrimon, 15 votes.

FOR MR. VANCE—Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryan of Alleghany, Bullard, Byrd, Carter, Craige, Freeman, Gant, Gidney, Gilmer, Grady, Gudger, Houston, Johnson, Jones of Caldwell, Jones of Tyrrell, Johns, Lindsay, Luckey, McGehee, McNeill, Mitchell, Moore, Moss, Morrison, Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shaw, Shinn of Cabarrus, Shackelford, Stanford, Stowe, Todd, Turner, Warlick, Waddill, Webb, Wiley and Woodhouse.

FOR MR. POOL—Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Copeland, Corson, Darden, Davis, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Gorman, Goodwyn, Gray, Guyther, Hampton, Hughes, Jones of Camden, Jones of Northampton, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Miller, Michael, Patrick, Paschall, Perry of Bladen, Rhodes, Scott, Sharp, Sneed, Trivett, Winslow, Williamson, Wheeler and Whisnant.

FOR MR. MERRIMON—Messrs. Anderson of Clay, Bryson of Jackson, Bryson of Swain, Carson, Dickey, Hanner, Haynes, Hinnant, Joyner, Marler, Moring, Shaw, Watson, Waugh and Whitmire.

The Chair thereupon announced that 162 votes had in all been cast, that Zebulon B. Vance had received 72, John Pool 68, and Augustus S. Merrimon 22 votes, and that no person had received a majority of all the votes cast.

Mr. Settle moved that the rules of order of the House of Representatives be adopted as the rules of order of the Joint Assembly.

Mr. Bowman moved to lay the motion on the table. The motion to lay upon the table prevailed.

Mr. Harris moved that the Joint Assembly do now adjourn. The motion did not prevail.

Mr. Love moved that the joint Assembly do now proceed to a second vote. The motion prevailed.

The Clerk of the Senate thereupon called the roll of the Senate, and Senators voted openly by a *viva voce* vote as follows: For Zebulon B. Vance 24; for John Pool 15; for Augustus S. Merrimon 10.

FOR MR. VANCE—Mr. President, Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy and Waring.

FOR MR. POOL—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Seymour, Smith, Stilley and Walker.

FOR MR. MERRIMON—Messrs. Avera, Chamberlain, Cowles, Humphrey, Love, McCabe, Merrimon, Powell, Respass and Welch.

The Clerk of the House of Representatives thereupon called the roll of that body, and members thereof voted openly, as follows: For Zebulon B. Vance 48; for John Pool 43; for Augustus S. Merrimon 21.

FOR MR. VANCE—Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryan of Sampson, Bryan of Alleghany, Bullard, Byrd, Carter, Craige, Freeman, Gant, Gidney, Gilmer, Grady, Gudger, Houston, Johnson, Jones of Caldwell, Jones of Tyrrell, Johns, Lindsay, Duckey, McGehee, McNeill, Mitchell, Moore, Moss, Morrison, Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shinn of Cabarrus, Shackelford, Stanford, Stowe, Todd, Turner, Warlick, Waddill, Webb, Wiley and Woodhouse.

FOR MR. POOL—Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Copeland, Corson, Darden, Davis, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Goodwyn, Gray, Guyther, Hampton, Hughes, Jones of Northampton, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Michael, Patrick, Paschall, Sharp, Sneed, Winslow, Williamson, Wheeler and Whisnant.

FOR MR. MERRIMON—Messrs. Anderson of Clay, Bryson of Jackson, Bryson of Swain, Carson, Dickey, Gorman, Hanner, Haynes, Hinnant, Jones of Camden, Joyner, Marler, Miller, Moring, Perry of Bladen, Rhodes, Scott, Trivett, Watson, Waugh and Whitmire.

The Chair thereupon announced that 161 votes had in all been cast, that Zebulon B. Vance had received 72 votes, that John Pool had received 58 votes, that Augustus S. Merrimon had received 31 votes, and that no candidate had received a majority of all the votes cast.

On motion of Mr. Gudger, the Joint Assembly thereupon adjourned, and the Senate returned to its own chamber.

The Senate then adjourned until Monday, at 11 A. M.

## THIRTEENTH DAY.

SENATE CHAMBER, December 2, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mason.

The Journal of Saturday was read.

Leave of absence was granted Mr. King for four days, and to Mr. Respass for the week.

The Chair announced the following Senators as the additional members of the Judiciary Committee, viz: Messrs. Welch, Waring, Todd, Price, Love and Gudger.

Reports from standing committees were then submitted, as follows:

From the Committee on the Judiciary:

By Mr. Merrimon—Senate bill 62—A bill to be entitled an act to prevent the citizens of this State carrying deadly weapons, with a recommendation that it do not pass.

By Mr. Grandy—A bill to be entitled an act in relation to county commissioners, with a recommendation that it do not pass.

From the Committee on Propositions and Grievances:

By Mr. Love—House resolution 10, Senate resolution 58—Resolution to purchase national colors, with a recommendation that it do pass.

House resolution 10, Senate resolution 70—Resolution in favor of certain sheriffs, with accompanying amendments.

The following named bills were introduced, read and referred or otherwise disposed of, as follows:

By Mr. Love—A bill to be entitled an act in relation to the Superior Courts in Clay, Graham and Swain counties. To the Judiciary Committee.

The following bills, resolutions and amendments reported as correctly engrossed by the Committee on Engrossed Bills

were transmitted to the House of Representatives for concurrence:

Senate bill 47—A bill to be entitled an act for the relief of D. J. Clarke, late sheriff of Bladen county.

Amendments to House resolution 2, Senate resolution 51—Resolution for the removal of disabilities.

A message was transmitted to the House of Representatives informing that body that the Senate had concurred in the House amendment to the Senate amendment to House bill 3, Senate bill 42—A bill to be entitled an act to change the time of holding the Superior Courts of Wake county.

Bills on second reading were acted on as follows:

Senate bill—A bill to be entitled an act to prevent the spread of disease among cattle. The bill was read. The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill failed to pass second time.

The consideration of resolutions being in order,

Senate resolution 44—Resolution in regard to Lovejoy Academy was referred to the Committee on Public Grounds.

Senate resolution—Resolution in regard to soldiers and soldiers' widows of the war of 1812 was read and adopted.

Senate resolution 45—Joint resolution of instruction to Principal Clerk of Senate was read and passed.

Senate resolution 32—Resolution in favor of the sheriff of Dare county was read the third time.

Mr. Respass moved an amendment in the nature of a substitute. The amendment prevailed and the resolution passed third time. Yeas 39; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Murray, Nicholson, Norwood, Price, Respass, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—0.

House resolution 32, Senate resolution 70—Resolution in favor of certain sheriffs was read.

The question recurring on the amendment offered by the Committee on Propositions and Grievances, the amendment prevailed.

Mr. Worth moved to commit the resolution to the Committee on the Judiciary.

Pending the consideration thereof the hour of 12 M. arrived, and the Senate proceeded to the hall of the the House of Representatives for the purposes of voting as required by law for a Senator to represent the State of North Carolina in the Congress of the United States, for the term of six years from the fourth day of March next ensuing.

The Clerk of the House of Representatives read the Journal of that body for yesterday.

The Chair announced that the business of the Joint Assembly was the election of a Senator, and that nominations were then in order.

Mr. Grandy nominated John Pool, of Pasquotank.

The Clerk of the Senate called the roll of the Senate and the Senate voted openly by a *viva voce* vote, as follows:

For John Pool—Messrs. Chamberlain, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, Respass, Seymour, Smith, Stilley and Walker—16.

For Robt. Armfield—Messrs. Cowles, Horton and Nicholson—3.

For Wm. A. Allen—Messrs. Humphrey and Waring—2.

For Augustus S. Merrimon—Messrs. Cramer and McCotter—2.

Mr. President voted for Ralph Gorrell, Mr. Allen voted for Robert P. Waring, Mr. Avera voted for Sion H. Rogers, Mr. Barnhardt voted for Daniel M. Barringer, Mr. Cunningham voted for John Kerr, Mr. Davis voted for Jos. J. Davis, Mr. Dunham voted for Hamilton C. Jones, Mr. Ellis, of Catawba, voted for M. L. McCorkle, Mr. Ellis, of Columbus, voted for Robert Strange, Mr. Flemming voted for Burgess

S. Gaither, Mr. Gudger voted for James C. Harper, Mr. Love voted for Silas McDowell, Mr. McCauley voted for S. H. Walkup, Mr. Merrimon voted for Joseph Cathey, Mr. Miller voted for William M. Shipp, Mr. Murphy voted for A. A. McKoy, Mr. Murray voted for James A. Graham, Mr. Norwood voted for John Dillard, Mr. Powell voted for John Manning, Jr., Mr. Price voted for J. M. Clement, Mr. Stafford voted for T. J. Wilson, Mr. Todd voted for G. N. Folk, Mr. Troy voted for Thomas C. Fuller, Mr. Welch voted for J. L. Bailey, Mr. Worth voted for John. A. Gilmer.

The Clerk of the House of Representatives then called the roll of that body and the members thereof voted openly by a *viva voce* vote, as follows:

For Mr. Pool—Messrs. Abbott, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryant of Pitt, Bryant of Halifax, Bryant of Wilkes, Brooks, Bunn, Copeland, Corson, Darden, Davis, Dudley, Dula, Fletcher, Foster, Godfrey, Goodwyn, Gray, Guyther, Hampton, Hughes, Jones of Camden, Jones of Northampton, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Patrick, Paschall Perry of Bladen, Rhodes, Scott, Sharp, Winslow, Wheeler and Whisnant—43.

For Mr. Merrimon—Messrs. Bryson of Swain, Hinnant, Miller, Michael, Trivett, Waugh and Williamson.—7.

For Mr. Fuller—Messrs. Bryan of Sampson, Grady and Bullard.

For Mr. Scales—Messrs. Johns, Settle and Stowe.

For Mr. W. H. Battle—Messrs. Bennett and Lindsay.

For Mr. Clingman—Messrs. Blackwell and Bryson of Jackson.

For Mr. Burnett—Messrs. Carson and Joyner.

For Mr. Shober—Messrs. Craige and Luckey.

For Mr. Bailey—Mr. Gudger.

For Mr. Graham—Messrs. Brown of Mecklenburg, Waddell and Watson.

For Mr. Barringer—Messrs. Perry of Wake, and Shinn, of Cabarrus.

For Mr. Armfield—Messrs. Marler and Turner.

For Mr. Allen—Messrs. Outlaw and Stanford.

For Mr. Manning—Messrs. Hanner and Moring.

For Mr. Turner—Messrs. Mitchell and Shaw.

For Mr. McDawin—Mr. Speaker.

For Mr. Clement—Mr. Anderson of Davie.

For Mr. R. B. Vance—Mr. Anderson of Clay.

For Mr. Martin—Mr. Ballard.

For Mr. Parks—Mr. Bryan of Alleghany.

For Mr. McElroy—Mr. Byrd.

For Mr. Warren—Mr. Carter.

For Mr. Johnston—Mr. Dickey.

For Mr. Phillips—Mr. Ellison.

For Mr. Robinson—Mr. Freeman.

For Mr. Holt—Mr. Gant.

For Mr. Miller—Mr. Gidney.

For Mr. Dillard—Mr. Gilmer.

For Mr. Bowman—Mr. Gorman.

For Mr. Hill—Mr. Haynes.

For Mr. McCorkle—Mr. Houston.

For Mr. Coleman—Mr. Johnston.

For Mr. Harper—Mr. Jones of Caldwell.

For Mr. Kirkland—Mr. Jones of Orange.

For Mr. Jarvis—Mr. Jones of Tyrrell.

For Mr. Kerr—Mr. McGehee.

For Mr. Britt—Mr. McNeill.

For Mr. Carter—Mr. Moore.

For Mr. Woodward—Mr. Moss.

For Mr. Hoke—Mr. Morrison.

For Mr. McBride—Mr. Norment.

For Mr. Walkup—Mr. Presson.

For Mr. Guion—Mr. Reid of Mecklenburg.

For Mr. George—Mr. Richardson.

For Mr. Moseley—Mr. Shackelford.

For Mr. Hargrove—Mr. Sneed.

For Mr. Cilley—Mr. Todd.

For Mr. Gaither—Mr. Warlick.

For Mr. Bell—Mr. Webb.

For Mr. Gilmer—Mr. Whitmire.

For Mr. Speed—Mr. Woodhouse.

The President thereupon announced that 162 votes had in all been cast, and that no person had received a majority of all the votes cast.

The Joint Assembly thereupon adjourned, and the Senate returned to its own chamber.

Mr. Waring moved that when the Senate do adjourn, it will adjourn until 11 A. M., to-morrow in respect to the memory of Horace Greeley. The motion prevailed.

The Senate then adjourned.

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## FOURTEENTH DAY.

SENATE CHAMBER, December 3, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Troy for four days, to Mr. Seymour for the balance of the week from and after Thursday, to Mr. Hyman for six days, to Mr. Morehead of Rockingham, for four days from and after Thursday, and to Mr. Murphy for three days.

Reports from standing committees were then submitted as follows:

From the Committee on Education.

By Mr. Cunningham—Senate bill 34—A bill to be entitled an act to facilitate the sale of the public lands, with a recommendation that it do not pass.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to change the time of holding the Superior Courts of Wake county.

Joint resolution to provide for deficiencies in the annual supply of stationery.

Resolution asking Congress to amend the pension law.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Waring—A bill to be entitled an act to fix revenue in cases of corporations. To the Judiciary Committee.

By Mr. Flemming—A bill to be entitled an act to extend the time of taking out grants in McDowell county. To the Committee on Propositions and Grievances.

By Mr. McCauley—A bill to be entitled an act in relation to registration of deeds. To the Judiciary Committee.

By Mr. Ellis of Catawba—A bill to be entitled an act to allow the owners of Catawba Toll Bridge and the Horse Ford property to list it for taxes, and to register the same for all other purposes in the county of Catawba. To the Committee on Propositions and Grievances.

By message from the House of Representatives:

House bill 59—A bill to be entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad. To Committee on Internal Improvements.

House bill 24—A bill to be entitled an act to exempt the counties of Ashe, Watauga, Alleghany, Jackson and Swain from the provisions of chapter 142 of the laws of 1869-'70, entitled an act to prevent the seining for and shooting trout in the counties west of the Blue Ridge. To the Committee on Propositions and Grievances.

House bill 2—A bill to be entitled an act to repeal chapter 89 laws of one thousand eight hundred and seventy-one and two. To the Judiciary Committee.

House bill 5—A bill to be entitled an act to cure certain defects in the registration of deeds, &c., in the county of Buncombe. To the Judiciary Committee.

House bill 4—A bill to be entitled an act for the relief of sheriffs and tax collectors. To the Committee on Propositions and Grievances.

The following resolutions were introduced and disposed of, as follows :

By Mr. Flemming—Resolution to pay sheriffs for holding Presidential election. Read and laid over under the rules.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence :

Senate resolution 32—Resolution in relation to the sheriff of Dare county.

Senate resolution 45—Resolution of instruction to the Principal Clerk of the Senate.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz: House resolution 32, Senate resolution 70—Resolution in favor of certain sheriffs. The question recurred on the motion to commit to the Judiciary Committee, and the motion prevailed.

Bills on second reading were acted on, as follows :

Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville. The bill was read, and on motion of Mr. Welch, laid upon the table.

At 12 M. the Senate proceeded to the hall of the House of Representatives for the purpose of voting, as required by law, for a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years from the 4th day of March next ensuing.

The Clerk of the House of Representatives read the Journal of that body for yesterday.

The Chair announced that the business of the Joint As-

sembly was the election of a Senator, and that nominations were then in order.

Mr. Cowles nominated Zebulon B. Vance.

Mr. Love nominated Augustus S. Merrimon.

The Clerk of the Senate then called the roll of the Senate, and Senators voted openly by a *viva voce* vote, as follows :

For Zebulon B. Vance, 26 votes ; for Augustus S. Merrimon, 24 votes.

Those who voted for Mr. Merrimon are: Messrs. Avera, Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Merrimon, Powell, Respass, Seymour, Smith, Stilley, Walker and Welch.

Those who voted for Mr. Vance are: Mr. President, Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth.

The Clerk of the House of Representatives thereupon called the roll of that body, and the members thereof voted openly by a *viva voce* vote, as follows :

For Zebulon B. Vance, 54 votes ; for Augustus S. Merrimon, 63 votes.

Those who voted for Mr. Vance are: Mr. Speaker, Messrs. Anderson of Davie, Ballard, Bennett, Blackwell, Brown of Mecklenburg, Bryson of Jackson, Bryan of Sampson, Bryan of Alleghany, Bullard, Byrd, Carter, Craige, Freeman, Gant, Gidney, Gilmer, Grady, Gudger, Houston, Johnston, Jones of Caldwell, Jones of Orange, Jones of Tyrrell, Johns, Lindsay, Luckey, Marler, Maxwell, McGehee, McNeil, Mitchell, Moore, Moss, Morrison, Norment, Outlaw, Presson, Reid of Mecklenburg, Richardson, Settle, Shaw, Shinn of Cabarrus, Shackelford, Stanford, Stowe, Todd, Turner, Warlick, Waddell, Watson, Webb, Wiley and Woodhouse.

Those who voted for Mr. Merrimon are: Messrs. Abbott,

Anderson of Clay, Badger, Bean, Blythe, Bowe, Bowman, Brown of Davidson, Bryson of Swain, Bryant of Pitt, Bryant of Halifax, Bryan of Wilkes, Brooks, Bunn, Carson, Copeland, Corson, Darden, Davis, Dickey, Dudley, Dula, Ellison, Fletcher, Foster, Godfrey, Gorman, Goodwyn, Gray, Guyther, Hanner, Hampton, Haynes, Heaton, Hinnant, Hughes, Jones of Camden, Jones of Northampton, Joyner, Jordan, King, Lloyd, Lutterloh, Mabson, McLaurin, Miller, Michael, Moring, Patrick, Paschall, Perry of Bladen, Perry of Wake, Reid of Randolph, Rhodes, Scott, Sharp, Sneed, Trivett, Waugh, Winslow, Williamson, Whitmire, Wheeler and Whisnant.

The President thereupon announced that 167 votes had in all been cast, that Zebulon B. Vance had received 80 votes, that Augustus S. Merrimon 87 votes, and that Augustus S. Merrimon had received a majority of all the votes cast, and was duly elected a Senator to represent the State of North Carolina in the Congress of the United States for the term of six years, from the 4th day of March next ensuing, in the place of Hon. John Pool.

On motion of Mr. Heaton, a committee of three on the part of the Senate and three on the part of the House of Representatives was appointed to inform Mr. Merrimon of his election.

The Chair appointed Messrs. Cunningham, Grandy and \_\_\_\_\_, on the part of the Senate, and Messrs. Heaton, Hanner and Johnston, on the part of the House, as said committee.

The two Houses sitting in joint session thereupon adjourned, and the Senate returned to its own chamber.

The Senate then adjourned until 11 A. M. to-morrow.

## FIFTEENTH DAY.

SENATE CHAMBER, December 4, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted Mr. McCabe for five days.

Mr. Humphrey presented a memorial from the citizens of Mt. Olive, in Wayne county, asking for an amendment to the charter of their town, which was referred to the Committee on Propositions and Grievances.

Mr. Murphy surrendered the leave of absence for three days, granted him on yesterday.

Reports from standing committees were then submitted, as follows:

From the Committee on the Judiciary.

By Mr. Merrimon—House resolution 32, Senate resolution 70—Resolution in favor of certain sheriffs, recommending that it do pass.

Senate bill 64—A bill to be entitled an act defining the duties of Judges of Superior Courts in certain cases, with a recommendation that it do not pass.

By Mr. Seymour—Senate bill 43—A bill to be entitled an act in relation to the revenue, with a recommendation that it do not pass.

By Mr. Flemming—Senate bill 63—A bill to be entitled an act to change the time for holding the Spring Term of the Superior Courts of the county of Cabarrus, with accompanying amendments.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of the sureties of Wm. A. Walton, deceased, late sheriff of Rowan county.

Resolution asking for removal of disabilities.

Mr. Norwood gave notice that he would move that so much of the Governor's message as referred to the public debt of the State, be referred to the Joint Select Committee on State Debt and Liabilities.

The following resolution, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

Senate resolution 74—Resolution in regard to soldiers and soldiers' widows of the war of 1812.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Grandy—A bill to be entitled an act to incorporate the North Carolina Construction Company. To the Committee on Corporations.

A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railway Company. To the Committee on Internal Improvements.

A bill to be entitled and act to authorize certain counties to subscribe to the capital stock and issue bonds to the New York, Norfolk and Charleston Railway Company. To the Committee on Internal Improvements.

By Mr. Ellis of Catawba—A bill to be entitled an act to authorize the Carolina Narrow Gauge Railroad Company to consolidate with the Chester and Lenoir Narrow Gauge Railroad Company in South Carolina. To the Committee on Internal Improvements.

By Mr. Flemming—A bill to be entitled an act to prescribe the duties of Judges of the Superior Court. To the Judiciary Committee.

By Mr. Harris—A bill to be entitled an act to revive an act to incorporate the "Bank of Raleigh." Placed on the Calendar.

By Mr. Murray—A bill to be entitled an act to prevent the felling of trees in Haw River and its tributaries. To the Committee on Propositions and Grievances.

The following resolution was introduced and disposed of, as follows:

By Mr. McCauley—Resolution for the relief of John J. Hasty, sheriff of Union county. Referred to the Committee on Propositions and Grievances.

Bills on second reading were acted on, as follows:

Senate bill — A bill to be entitled an act to revive an act to incorporate the Bank of Raleigh. The bill was read and passed the second time. On motion, the rules were suspended and the bill was read the third time and referred to the Committee on Corporations.

Senate bill 43—A bill to be entitled an act in relation to the revenue. Referred to the Joint Select Committee appointed to examine Judge Battle's report.

Senate bill 64—A bill to be entitled an act defining the duties of Judges of the Superior Courts. On motion of Mr. Powell, made special order for 11½ A. M., on Wednesday next, the 11th instant.

The consideration of resolutions being in order,

Senate resolution 72—Resolution to pay sheriffs for holding Presidential election was read and referred to the Committee on Propositions and Grievances.

Mr. Merrimon moved that the rules be suspended and House resolution 32, Senate resolution 70—Resolution in favor of certain sheriffs be put upon its several readings. The motion prevailed and the resolution was read.

Mr. Waring offered the following amendment: "*Provided*, That no sheriff shall be allowed expenses for guard from the State Treasury, but this proviso shall not interfere with any claim said sheriff may have against the commissioners of their respective counties. Pending the consideration thereof the Chair announced that the hour had arrived when the the two houses of the General Assembly were to go into joint session to compare the returns of the election for Executive officers in August last.

On motion of Mr. Cunningham, it was ordered that when

the Joint Assembly adjourned the Senate would stand adjourned until 11 A. M., to-morrow. The Senate proceeded to the hall of the House of Representatives.

Mr. McGehee offered a report from the Joint Select Committee appointed to examine the returns and report upon such as were informal or defective, which was received and read.

Mr. Welch moved the adoption of the report.

Mr. Jones, of Caldwell, moved to lay that motion upon the table. The motion to lay upon the table did not prevail, and the report was adopted.

Mr. Seymour offered the following resolution, which was read and adopted:

*Resolved*, That the Clerk of the House be instructed to add up the returns now received and in his hands in accordance with the principles adopted by the joint session, and lay them before the Joint Assembly by the 10th instant.

The Joint Assembly having on motion of Mr. Houston adjourned until Tuesday next the 10th instant at 12 M., the Senate stood adjourned until 11 A. M., tomorrow.

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## SIXTEENTH DAY.

SENATE CHAMBER, December 5, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Ellis, of Columbus, presented a petition from citizens of Columbus county, praying the prohibition of the sale of spirituous liquors within two miles of Pleasant Plains Church, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Allen for two days.

to Mr. Cunningham for three days, to Mr. Eppes from Friday to Monday, and to Mr. Waring for Saturday.

Mr. Barnhardt was announced as being detained from his seat by sickness.

Reports from standing committees were then submitted as follows:

From the Committee on the Judiciary:

By Mr. Grandy—Senate bill 36—A bill to be entitled an act in relation to depositions, with an amendment in the nature of a substitute.

By Mr. Allen—Senate bill 11—A bill to be entitled an act to repeal the Code of Civil Procedure and to enact a new Code in place thereof, with a recommendation that it be referred to the Committee on the Compilation of the Public Laws.

By Mr. Dunham—A bill to be entitled an act to regulate the rate of interest, with an amendment in the nature of a substitute.

House resolution 27, Senate resolution 59—Resolution to print the usual numbers of Hon. W. H. Battle's reports, with a recommendation that it be referred to the Joint Select Committee on the Compilation of the Public Laws.

From the Committee on Insurance:

By Mr. Murphy—Senate bill 46—A bill to be entitled an act to incorporate "The Wilmington Mutual Insurance Company," with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Avera—A bill to be entitled an act to incorporate Selma Lodge No. 320, Free and Accepted Masons. To the Committee on Corporations, with instructions to report why the corporal powers cannot be had under the general law.

By message from the House of Representative—House bill 60—A bill to be entitled an act to amend chapter 75, laws 1870-'71, entitled an act making South Yadkin River,

in the counties of Rowan and Davie, a lawful fence. To the Committee on Propositions and Grievances.

House bill 68—A bill to be entitled an act to amend an act concerning the government of counties. To the Judiciary Committee.

House bill 66—A bill to be entitled an act making Hunting Creek a lawful fence in the county of Davie. To the Committee on Propositions and Grievances.

House bill 69—A bill to be entitled an act to prohibit the hurting of deer in the counties of Henderson and Transylvania. To the Committee on Propositions and Grievances.

House bill 58—A bill to be entitled an act to amend section 1, chapter 141, laws 1871-'72, making Dutchman Creek in the county of Davie a lawful fence. To the Committee on Propositions and Grievances.

House bill 98—A bill to be entitled an act to re-enact chapter 18, public laws 1870-'71. Placed on the Calendar.

The following resolutions were introduced and disposed of, as follows:

By message from the House of Representatives—House resolution 42—Resolution of instruction to the Secretary of State. Read and concurred in.

House resolution 28—Joint resolution concerning the sale of the Western North Carolina Railroad. Read and concurred in.

House resolution 38—Resolution instructing the Joint Standing Committee on "Public Buildings" to inquire into the condition of the Governor's mansion and other public property. Read and concurred in.

House resolution 15—Resolution asking our Representatives in Congress to use their influence to secure pensions to the soldiers of the war with Mexico. Referred to the Committee on Propositions and Grievances.

By Mr. Ellis, of Columbus—Resolution in favor of A. McQueen, of Robeson county. Read and laid over under the rules.

By Mr. Miller—Resolution in favor of Ware and Miller. Read and laid over under the rules. Referred to the Committee on Claims.

A message was received from the House of Representatives transmitting engrossed copy of an amendment, adopted by that body to Senate resolution 22—resolution authorizing Secretary of State to send special messenger for election returns, and asking the concurrence of the Senate therein.

On motion, the Senate concurred in the House amendment.

A message was received from the House of Representatives informing the Senate that the House had concurred in Senate resolution 49—resolution in regard to the compilation of the public laws, and designating Messrs. Moore, Badger, Bennett, Dula and McGehee as the House branch of the Joint Select Committee raised thereby.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the House resolution to raise a Joint Select Committee on Constitutional Reform, and designating Messrs. Merrimon, Humphrey and Seymour as the Senate branch of said committee.

A message was received from the House of Representatives transmitting engrossed House amendments to Senate bill 23—A bill to be entitled an act to incorporate the North Carolina Medicinal Company.

On motion of Mr. Norwood, the consideration thereof was postponed until Tuesday, 10th December.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, and accompanying documents, with a proposition to print the same.

On motion of Mr. Avera, the Senate concurred in the proposition to print.

On motion of Mr. Norwood, so much of the Governor's annual message as relates to the public debt of the State

was referred to the Joint Select Committee on State Debt and Liabilities.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz: Senate resolution 70, House resolution 32—resolution in favor of certain sheriffs.

The question recurring on the amendment offered by Mr. Waring, Mr. Worth moved to amend the amendment, as follows :

*Provided*, That a special tax of three cents on the one hundred dollars valuation of all the real and personal property, and one per cent. on the poll be levied to pay said expense.

Mr. Love moved the previous question, and the Senate ordered the main question to be put.

The question first recurred on the amendment to the amendment offered by Mr. Worth, and it did not prevail.

The question next recurred on the amendment offered by Mr. Waring, and it did not prevail.

The question then recurred on the resolution on its passage, and the resolution passed the second time.

Mr. Gudger moved that the rules be suspended and the resolution be put upon its third reading. The motion did not prevail.

Mr. Allen moved that the vote be reconsidered by which the Senate concurred in the proposition of the House to print the Governor's message and accompanying documents. The motion prevailed, and on motion of Mr. Allen, the Senate refused to concur in the proposition to print.

Mr. Seymour moved that the rules be suspended and that House resolution 32, Senate resolution 70—resolution in favor of certain sheriffs, be put upon its third reading. The yeas and nays were ordered on demand of Mr. Seymour, and the motion prevailed. Yeas 31; nays 9.

*Affirmative.*—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Dunham, Eppes, Flemming, Grandy, Gudger,

Harris, Hill, Holloman, Horton, Long, Love, McCotter, Merrimon, Miller, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Stilley, Todd, Walker and Worth.—31.

*Negative*.—Messrs. Ellis of Catawba, Ellis of Columbus, Humphrey, McCauley, Murphy, Murray, Waring and Worth.—9.

The resolution was then read and passed third time. Yeas 31; nays 8.

*Affirmative*.—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Dunham, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Long, Love, McCotter, Merrimon, Miller, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Stilley, Todd, Walker, Waring and Welch.—31.

*Negative*.—Messrs. Davis, Ellis of Catawba, Ellis of Columbus, Harris, Humphrey, McCauley, Murphy and Worth.—8.

Bills were acted on as follows, under a suspension of the rules :

House bill 98, Senate bill — A bill to be entitled an act to re-enact chapter eighteen, public laws 1870-'71. Read and pass second and third times. Yeas 22; nays 15.

*Affirmative*.—Messrs. Allen, Avera, Chamberlain, Cramer, Davis, Dunham, Eppes, Grandy, Gudger, Hill, Holloman, Humphrey, McCotter, Murphy, Murray, Norwood, Price, Scott, Seymour, Smith, Walker and Waring.—22.

*Negative*.—Messrs. Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Long, Love, McCauley, Merrimon, Miller, Nicholson, Stafford, Stilley, Todd, Welch and Worth.—15.

Bills on second reading were acted on, as follows:

Senate bill 24—A bill to be entitled an act to protect horses and mules from a prevailing epidemic. Read second time. The amendment offered by the Committee on Propositions and Grievances prevailed.

On motion of Mr. Worth, the bill was laid upon the table.

Senate bill 14—A bill to be entitled an act to more effectually punish horse theives. Read and laid upon the table.

Senate bill 15—A bill to be entitled an act in relation to mining and manufacturing companies. The bill was read. The amendment in the nature of a substitute offered by the Committee on Corporations prevailed, and the bill passed second time.

Senate bill 10—A bill to be entitled an act for the relief of the Clerk of the Superior Court of the county of Franklin. Laid upon the table.

Senate bill 9—A bill to be entitled an act to incorporate the North Carolina State Life Insurance Company. Read and passed second time.

The consideration of resolutions being in order, House resolution 28, Senate resolution 57—Resolution to raise a Joint Select Committee on the report of Hon. W. H. Battle was read and laid upon the table.

The Senate then adjourned until 11 A. M., to-morrow.

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## SEVENTEENTH DAY.

SENATE CHAMBER, DECEMBER 6, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The President announced Messrs. Love, Dunham and Grandy as the Senate branch of the Joint Select Committee on the Compilation of the Public Laws.

Messrs. Barnhardt and Cowles asked and obtained leave to have their names recorded in the negative on the vote by which House bill 98, Senate bill —, A bill to be entitled an act to re-enact chapter eighteen of the public laws of 1870 and 1871, was passed on yesterday.

Leave of absence was granted Mr. Price until Monday.

Mr. ——— was announced as detained from his seat by sickness.

Reports from standing committees were then submitted as follows :

From the Committee on the Judiciary :

By Mr. Merrimon—Senate bill 73—A bill to be entitled an act in relation to the Superior Courts in Clay, Graham and Swain counties, with a recommendation that it do not pass.

House bill 5, Senate bill 77—A bill to be entitled an act to cure certain defects in the registration of deeds in the county of Buncombe, with a recommendation that it do pass.

By Mr. Scott—Senate bill 91—A bill to be entitled an act to prescribe the duties of Judges of the Superior Court, with a recommendation that it do not pass.

By Mr. Gudger—Senate bill 82—A bill to be entitled an act in relation to the registration of deeds, with a recommendation that it do not pass.

By Mr. Grandy—Senate bill 61—A bill to be entitled an act in relation to mills, with a recommendation that it do not pass.

From the Committee on Finance :

By Mr. Worth—Senate bill 2—A bill to be entitled an act to commute, compound and adjust the public debt, with a recommendation that it be referred to Joint Select Committee on State Debt and Diabilities. Concurred in.

House resolution 1, Senate resolution 54—Resolution in relation to *per diem* of absent members, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Welch—Senate bill 15—A bill to be entitled an act in relation to mining and manufacturing companies, with an amendment in the nature of a substitute.

Senate bill 37—A bill to be entitled an act to incorporate Square Stone Lodge, No. 10, Ancient York Masons, of the

town of Warrenton, with a recommendation that it do pass.

From the Committee on Military Affairs :

By Mr. Horton—House resolution —, Senate resolution 40—Resolution concerning pensions for soldiers of the war of 1812, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Todd—A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances. To the Committee on the Judiciary.

By Mr. McCauley—A bill to be entitled an act for the prevention of frauds. To the Judiciary Committee.

A bill to be entitled an act in relation to homesteads and personal property exemptions. To the Judiciary Committee.

A bill to be entitled an act in relation to constables. To the Judiciary Committee.

By Mr. Ellis, of Columbus—A bill to be entitled an act to amend an act requiring clerks of Superior Courts to have their offices open every Monday for the transaction of business. To the Judiciary Committee.

By Mr. Humphrey—A bill to be entitled an act to amend the act incorporating the town of Mount Olive, in Wayne county. To the Committee on Corporations.

By message from the House of Representatives, House bill 28—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 30—A bill to be entitled an act to incorporate the Scuppernong Steamboat Transportation Company. To the Committee on Internal Improvements.

The following resolutions were introduced and disposed of, as follows :

By message from the House of Representatives—House resolution 43, joint resolution requesting our Representatives in Congress to use their influence to have the revenue laws

amended. Referred to the Committee on Propositions and Grievances.

Mr. Welch moved that the vote by which the Senate on yesterday concurred in House resolution 28, Senate resolution 95, joint resolution concerning the sale of the Western North Carolina Railroad be reconsidered. The motion prevailed. The question then recurring on the adoption of the resolution,

Mr. Welch moved the following amendment, which prevailed: Strike out the word "five" and insert the word "eight;" strike out the word "two" and insert the word "three;" strike out the word "three" and insert the word "five." Also, the following amendment, which also prevailed:

*Resolved further,* That said committee shall have power to send for persons and papers.

The resolution was then concurred in.

On motion of Mr. Welch, the rules were suspended and the amendments were ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

Amendments to House resolution 32, Senate resolution 70—Resolution in favor of certain sheriffs.

Amendments to House resolution 28, Senate resolution 95—Joint resolution concerning the sale of the Western North Carolina Railroad.

A message was received from the House of Representatives announcing that the House had receded from its proposition to print the Governor's message and accompanying documents in relation to the celebration of the Centennial

anniversary. Also that the House had concurred in Senate amendment to House resolution 32, Senate resolution 70, resolution in favor of certain sheriffs.

On motion, the rules were suspended, and the resolution ordered to be forthwith enrolled.

A message was received from the House of Representatives announcing that the House had concurred in the amendments of the Senate to House resolution 28, Senate resolution 95, joint resolution concerning the sale of the Western North Carolina Railroad, and designating Messrs. Houston, Bennett, Bowman, Bryson of Swain, and Guyther, as the House branch of the committee raised thereby.

Bills on their third reading were acted on as follows:

Senate bill 9—A bill to be entitled an act to incorporate the North Carolina State Life Insurance Company. Read and passed third time. Yeas 32; Nays 1.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—33.

*Negative*—Mr. Chamberlain—1.

Bills on second reading were acted on as follows:

Senate bill 25—A bill to be entitled an act to amend an act entitled an act concerning townships, ratified April 10, 1869. The bill was read. The amendment in the nature of a substitute offered by the Committee on the Judiciary prevailed. The bill was then laid upon the table.

Senate bill 26—A bill to be entitled an act to amend the charter of the Wilmington and Planters' Railway Company. Read and passed second time.

Senate bill 27—A bill to be entitled an act to amend chapter 152 of the laws of 1872. Read and passed second time.

Senate bill 34—A bill to be entitled an act to facilitate the sale of the public lands. Laid upon the table.

Senate bill 62—A bill to be entitled an act to prohibit the citizens of this State carrying deadly weapons. Laid on the table.

Senate bill 43—A bill to be entitled an act in relation to the venue. Laid on the table.

Senate bill 48—A bill to be entitled an act in relation to county commissioners. Made special order for Monday next, at 12 M.

Senate bill 63—A bill to be entitled an act to change the time for holding Spring Term of the Supertor Court for the county of Cabarrus. The bill was read the second time. The amendment offered by the Judiciary Committee prevailed, and the bill passed second time.

On motion, the rules were suspended, and the bill was read and passed third time. Yeas 33; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, McCauley, McCotter, Merrimon, Miller, Murray, Nicholson, Powell, Scott, Stafford, Stilley, Todd, Walker and Worth—33.

*Negative*—0.

The consideration of resolutions being in order,

House resolution 25, Senate resolution 53—Resolution in regard to election returns for executive officers was laid on the table.

Senate resolution 116—Resolution in favor of A. McQueen, of Robeson county, was read and passed first time, and referred to the Committee on claims,

House resolution 10, Senate resolution 58—Resolution to purchase national colors was read and adopted.

Senate resolution 104—Resolution in favor of Ware and Miller, of Shelby, N. C., was referred to the Committee on Claims.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to re-enact chapter eighteen, laws of 1870 and '71.  
Resolution in favor of sheriffs.

The Senate then adjourned until 11 A. M., to-morrow.

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## EIGHTEENTH DAY.

SENATE CHAMBER, December 7, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The Chair announced Messrs. Welch, Flemming and Worth as the Senate branch of the Joint Select Committee on the Sale of the Western North Carolina Railroad.

Mr. Gudger was announced as detained from his seat by sickness.

Reports from the standing committees were then submitted as follows :

From the Committee on Claims :

By Mr. Flemming—Senate resolution 104—Resolution in favor of Ware and Miller, with a recommendation that it do pass.

Senate resolution 60—Resolution in favor of the Hon. Wm. H. Battle, with accompanying amendments.

From the Committee on Propositions and Grievances :

By Mr. Love—House bill 28, Senate bill—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax, with a recommendation that it be referred to the Judiciary Committee. Report concurred in.

Senate bill 81—A bill to be entitled an act to allow owners of Catawba toll bridge to list it for taxes and other purposes in the county of Catawba.

Senate bill 71—A bill to be entitled an act to extend the time for redemption of property sold for taxes.

House bill 24, Senate bill 79—A bill to be entitled an act to exempt the creditors of Ashe, Watauga, Alleghany, Jackson and Swain from the provisions of chapter 142 of the laws of 1869-'70, entitled an act to prevent the seining for and shooting trout in the counties west of the Blue Ridge.

Senate bill 83—A bill to be entitled an act to extend the time for taking out grants in McDowell county.

House resolution 15, Senate resolution 103—Resolution asking our Representatives in Congress to use their influence to secure pensions to the soldiers of the war with Mexico, with recommendation that they do pass.

Senate bill 90—A bill to be entitled an act to prevent the felling of trees in Haw River and its tributaries.

House bill 4, Senate bill 76—A bill to be entitled an act for the relief of sheriffs and tax collectors, with accompanying amendments.

House bill 69, Senate bill 96—A bill to be entitled an act to prohibit the hunting of deer in the counties of Henderson and Transylvania, with a recommendation that it be indefinitely postponed.

House bill 48, Senate bill 101—A bill to be entitled an act to amend section 1, chapter 141 laws of 1871-'72, making Dutchman Creek, in the county of Davie, a lawful fence.

House bill 60, Senate bill 99—A bill to be entitled an act to amend chapter 75 laws of 1870-'71, entitled an act making South Yadkin River, in the counties of Rowan and Davie, a lawful fence, and House bill 66, Senate bill 100—A bill to be entitled an act making Hunting Creek a lawful fence in the county of Davie, with an amendment in the nature of a substitute for each of said bills.

Senate resolution 93—Memorial of citizens of Mount Olive, in Wayne county, asking for an amendment to the charter of their town.

Senate resolution 106—Petition from citizens of Columbus county, praying the prohibition of the sale of spirituous liquors within two miles of Pleasant Plain's Church, with

recommendations that bills be drawn granting the prayers of the petitioners, and asking that the committee be discharged from further consideration thereof. The committee was discharged.

House resolution 43, Senate resolution 107—Resolution requesting our Representatives in Congress to use their influence to have the revenue laws amended, with a recommendation that it be referred to the Judiciary Committee. Report concurred in.

From the Committee on Corporations:

By Mr. Welch—House bill 59, Senate bill 80—A bill to be entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad.

Senate bill 89—A bill to be entitled an act to revive an act to incorporate the Bank of Raleigh.

Senate bill 37—A bill to be entitled an act to incorporate Square Stone Lodge, number ten, Ancient York Masons, of the town of Warrenton, with a report that as the objects sought by the several bills could be obtained under the general law, the committee recommended that they do not pass.

From the Committee on Judiciary:

By Mr. Todd—House bill 2, Senate bill 78—A bill to be entitled an act to repeal chapter 89, laws of one thousand eight hundred and seventy-one and two, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, follows:

By message from the House of Representatives—House bill 44—A bill to be entitled an act to prevent dams or other obstacles across the French Broad River. To the Committee on Propositions and Grievances.

House bill 23—A bill to be entitled an act to repeal chapter 68, laws of 1871-'72. To the Judiciary Committee.

House bill 80—A bill to be entitled an act to amend sub-

division 15, chapter 20, section 8, laws of special session 1868. To Judiciary Committee.

By Mr. Welch—A bill to be entitled an act to repeal an act entitled an act to enable any persons, not less than three, to become incorporated, and to regulate such and other corporations. To the Judiciary Committee.

By Mr. Holloman—A bill to be entitled an act to repeal section 3, chapter 186, laws 1871-'72. To the Judiciary Committee.

The following resolutions were introduced and disposed of, as follows :

By message from the House of Representatives—Resolution instructing the Joint Select Committee on Constitutional Reform to inquire into the propriety of amending article 5, section 6, of the Constitution of North Carolina. Concurred in.

House resolution 45—Resolution empowering the Joint Select Committee on the Compilation of the Public Laws to employ a clerk. The consideration of the resolution was postponed until Monday next.

House resolution 49—Resolution in favor of the employees of the General Assembly.

Mr. Love moved to amend by adding the following : "That this resolution shall take effect from its ratification." The amendment prevailed, and the resolution was concurred in.

On motion of Mr. Love, the rules were suspended, and the amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

House resolution 48—Resolution on a recess.

Mr. Flemming moved the following amendment : Strike out all after the words "General Assembly," and insert in lieu thereof the following words : "Adjourn *sine die* on the on the 19th December."

Mr. Cowles offered an amendment in the nature of a substitute.

Mr. Love moved to lay the resolution on the table.

The yeas and nays were ordered on demand of Mr. Chamberlain, and the resolution to lay on the table did not prevail. Yeas 4; nays 27.

*Affirmative*—Messrs. Love, McCauley, Murphy and Worth—4.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Harris, Hill, Horton, Hyman, Long, McCotter, Merrimon, Miller, Murray, Nicholson, Norwood, Scott, Smith, Stafford, Stilley, Todd, Walker and Welch—27.

Mr. Merrimon moved that the further consideration of the resolution be indefinitely postponed.

Mr. Ellis, of Columbus, moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment in the nature of a substitute offered by Mr. Cowles, it did not prevail.

The question next recurring on the amendment offered by Mr. Flemming, it did not prevail.

The question then recurring on the original resolution, it was concurred in.

By Mr. Ellis, of Columbus—Resolution for the relief of Mason L. Wiggins. Laid over under the rules.

By Mr. Cowles—Joint resolution in regard to perishable property remaining in the State arsenal. Laid over under the rules.

On motion, the rules were suspended for the purpose of having Senate resolution 104—Resolution in favor of Ware and Miller put upon its several readings, and the resolution was read and passed second and third times.

On motion, the rules were suspended and Senate bill 37—A bill to be entitled an act to incorporate Square Stone Lodge, number ten, Ancient York Masons of the town of Warrenton was ordered to be put upon its several readings. The bill was read second time and,

On motion of Mr. Hyman, referred to the Judiciary Committee.

The following bills, resolutions and amendment, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

Amendments to Senate resolution — House resolution 49—Resolution in favor of the employees of the General Assembly.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Secretary of State:

Joint resolution concerning the sale of the Western North Carolina Railroad.

Joint resolution authorizing the Secretary of State to send special messenger to Gates county for election returns.

Resolution of instruction to the Principal Clerk of the Senate.

Resolution to purchase national colors.

The Senate then adjourned until 11 A. M., on Monday next.

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## NINETEENTH DAY.

SENATE CHAMBER, December 9, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mason.

The Journal of Saturday was read.

Messrs. Welch and Worth were, on their own motion, excused from service on the Joint Select Committee on the Sale of the Western North Carolina Railroad, and the Chair thereupon designated Messrs. Cramer and Waring to fill the vacancies in the Senate branch of said committee.

Mr Worth announced that Mr. Barnhardt was detained from his seat by sickness. Indefinite leave of absence was granted to Mr. Barnhardt.

Leave of absence was granted to the Assistant Doorkeeper for two days.

Reports from standing committees were then submitted as follows:

From the Committee on Public Buildings and Grounds:

By Mr. Davis—Senate resolution 33—Resolution in regard to Lovejoy Academy, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Norwood—A bill to be entitled an act for the protection of the railroads in North Carolina. To the Committee on Internal Improvements. Ordered to be printed.

By Mr. Respass—A bill to be entitled an act prohibiting the sale of spirituous liquor within two miles of Christain's Delight Church, in Beaufort county. To the Committee on Propositions and Grievances.

A bill to be entitled an act increasing the powers of justices of the peace. To the Judiciary Committee.

By Mr. Love—A bill to be entitled an act for the relief of George C. Harrison. To the Committee on Claims.

By Mr. Flemming—A bill to be entitled an act to regulate and control the freights and tariffs on railroad and other transportation companies. To the Judiciary Committee.

By Mr. Long—A bill to be entitled an act to prevent the sale of intoxicating drinks in Mount Gilead township, in Montgomery county. To the Committee on Propositions and Grievances.

By message from the House of Representatives—House bill 92—A bill to be entitled an act to amend chapter 27 private laws of 1870-'71, entitled an act in relation to the sale of spirituous liquors in the town of Asheville. To the Committee on Propositions and Grievances.

The following resolutions were introduced, read and disposed of, as follows:

By Mr. Waring—Resolution of instruction to the Joint Select Committee on the Sale of the Western North Carolina Railroad. Referred to the Joint Select Committee on the Sale of the Western North Carolina Railroad.

By Mr. Humphrey—Resolution in favor of Judge W. A. Moore. Read and passed first time.

By message from the House of Representatives—House resolution 37—Resolution in regard to a deficiency of seats in the House of Representatives. Concurred in.

On motion of Mr. Humphrey, the rules were suspended for the purpose of putting Senate resolution—Resolution in favor of Judge W. A. Moore, upon its several readings. The resolution was read second time.

Mr. Cowles moved that the resolution be referred to the Committee on Propositions and Grievances.

Mr. Miller moved the previous question, and the Senate ordered the main question to be put.

The yeas and nays were ordered on demand of Mr. Welch, and the resolution failed to pass second time. Yeas 15; nays 23.

*Affirmative*—Messrs. Dunham, Flemming, Grandy, Guder, Harris, Hill, Humphrey, McCotter, Murphy, Norwood, Respass, Scott, Stilley and Walker—15.

*Negative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Holloman, Horton, King, Long, Love, McCauley, Merrimon, Miller, Murray, Nicholson, Price, Stafford, Todd, Troy, Waring, Welch and Worth—23.

At 12 M. the Senate proceeded to the consideration of senate Bill 48—A bill to be entitled an act in relation to county commissioners, it being the special order for that hour. The bill was read the second time.

Mr. McCauley moved that the bill be referred to the Joint Select Committee on the Compilation of the Public Laws.

Mr. King moved that the bill be laid upon the table. The motion to lay upon the table prevailed.

The consideration of resolutions being in order, Senate resolution 44—Resolution in regard to Lovejoy Academy was re-committed to the Committee on Public Buildings and Grounds.

On motion of Mr. Norwood, Senate resolution 40—Resolution concerning pensions for soldiers of the war with Mexico was read and concurred in.

Senate resolution 130—Resolution for the relief of Mason L. Wiggins was referred to the Committee on Claims.

Senate resolution 54, House resolution 2—Resolution in relation to *per diem* of absent members. The resolution was read.

Mr. Murphy moved the following amendment:

“SEC. —. Upon the return of each member of the Senate and House of Representatives, with or without leave, that such member shall be required to file an affidavit with the Clerks of the respective Houses of the cause of such absence.”

The amendment did not prevail.

Mr. Stilley moved to amend by striking out the words “account of sickness or.”

Mr. Cowles moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment offered by Mr. Stilley, the yeas and nays were ordered on demand of Mr. Cunningham, and the amendment prevailed. Yeas 24; nays 14.

*Affirmative*—Messrs. Avera, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Harris, Hill, Holloman, Humphrey, King, Long, McCotter, Merrimon, Murphy, Nicholson, Price, Respass, Scott, Stafford, Stilley, Troy, Walker and Waring—24.

*Negative*—Messrs. Cowles, Ellis of Columbus, Flemming, Grandy, Gudger, Horton, Love, McCauley, Miller, Murray, Norwood, Todd, Welch and Worth—14.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Welch, and the resolution was adopted. Yeas 28; nays 8.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Holloman, Horton, King, Long, Love, McCauley, Merrimon, Miller, Nicholson, Norwood, Respass, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Flemming, Gudger, Harris, Humphrey, Murphy, Murray, Scott and Smith—8.

Senate resolution 60—Resolution in favor of Hon. W. H. Battle was read.

Mr. Merrimon moved to lay the resolution on the table; the yeas and nays were ordered on demand of Mr. Welch, and the motion to lay on the table prevailed. Yeas 26; nays 11.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Gudger, Holloman, Horton, Humphrey, King, Love, McCotter, Merrimon, Murray, Nicholson, Respass, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—26.

*Negative*—Messrs. Dunham, Ellis of Columbus, Flemming, Harris, Hill, Long, McCauley, Miller, Murphy, Norwood and Price—11.

Mr. Avera moved to reconsider the vote just taken.

Mr. Welch moved to lay that motion on the table. The motion to lay on the table prevailed.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

Senate bill 63—A bill to be entitled an act to change the time for holding the Spring Term of the Superior Court of the county of Cabarrus.

Senate bill 9—A bill to be entitled an act to incorporate the North Carolina State Life Insurance Company.

Senate resolution 104—Resolution in favor of Ware and Miller.

The Senate then adjourned until 11 A. M. to-morrow.

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## TWENTIETH DAY.

SENATE CHAMBER, December 10, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were then submitted, as follows:

From the Committee on Internal Improvements:

By Mr. Welch—Senate bill — A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railroad Company with accompanying amendments.

From the Committee on the Judiciary:

By Mr. Dunham—Senate bill 72—A bill to be entitled an act in relation to the office of sheriff of Yancey with accompanying amendments.

Senate bill 129—A bill to be entitled an act to repeal an act entitled an act to enable any persons, not less than three, to become incorporated and to regulate such and other corporations, with an amendment in the nature of a substitute.

By Mr. Flemming—Senate bill 118—A bill to be entitled an act to repeal section 3, chapter 186, laws 1871-'72.

Senate bill — House bill 68—A bill to be entitled an act to amend an act concerning the government of counties.

Senate resolution 4—Resolution in regard to internal revenue.

Senate resolution 107—House resolution 43—Joint resolution requesting our Representatives in Congress to use their influence to have the revenue laws amended, with recommendations that they do not pass.

By Mr. Todd—Senate bill 111—A bill to be entitled an act to amend an act requiring clerks of Superior Courts to have their offices open every Monday for the transaction of business, with a recommendation that it do not pass.

House bill 10—Senate bill 67—A bill to be entitled an act to provide for the elections of Judges of the Superior Courts by the voters of their respective districts, with a recommendation that it do pass.

By Mr. Grandy—Senate bill — A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances, with a recommendation that it do pass.

By Mr. Welch—Senate bill 114—A bill to be entitled an act for the prevention of frauds, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Murray—A bill to be entitled an act to establish a new county by the name of Gilliam. To the Committee on Propositions and Grievances.

By Mr. Grandy—A bill to be entitled an act to repeal chapter 179 of the public laws of 1870-'71, and to re-enact chapter 90 of public laws 1869-'70, requiring a suit to be instituted against the Albemarle and Chesapeake Canal Company. To the Judiciary Committee.

By Mr. Seymour—A bill to be entitled an act to amend chapter 182, laws of 1871-'72. To the Judiciary Committee.

By message from the House of Representatives—House bill 89—A bill to be entitled an act to authorize the imprisonment of persons convicted in the United States Courts in North Carolina in the Penitentiary of this State. To the Judiciary Committee.

House bill 86—A bill to be entitled an act in reference to executors and administrators who resided in that part of

Northampton county which was afterwards annexed to the county of Hertford. To the Judiciary Committee.

House bill 84—A bill to be entitled an act to repeal section ten of the act entitled an act to suspend the Code of Civil Procedure in certain cases and enact a substitute for said section. To the Judiciary Committee.

House bill 45—A bill to be entitled an act to repeal section 1 of an act for the better protection of oysters and terrapins in the waters of North Carolina. To the Committee on Agriculture.

The following resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 53—Resolution in regard to Insane Asylum, State Prison and the Institution for the Deaf and Dumb and the Blind. Concurred in.

House resolution 46—Resolution of instruction to the Joint Select Committee on Constitutional Reform. The Senate refused to concur in the resolution.

By Mr. Cowles—Resolution empowering the Joint Committee on the Sale of the Western North Carolina Railroad.

On motion, the rules were suspended and the Senate proceeded to consider the resolution.

Mr. Seymour moved to amend by inserting the following after the word oath: "in the same manner and with like power over such witnesses as is now in use in the Superior Courts."

Mr. Welch moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment offered by Mr. Seymour, it prevailed.

The question then recurring on the adoption of the resolution, it was adopted.

On motion, the rules were suspended, and the resolution was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following resolution, referred as correctly engrossed by Committee on Engrossed Bills, was transmitted to House of Representatives for concurrence :

Amendment to Senate resolution 54—House resolution 1—Resolution in relation to *per diem* of absent members.

A message was received from the House of Representatives announcing that that body had concurred in the proposition of the Senate to raise a Joint Select Committee to examine into the affairs of the Penitentiary and designating Messrs Gidney, Morrison, Sharp, Turner and Darden as the House branch of said committee.

A message was received from the House of Representatives announcing that that body had refused to concur in the Senate amendment to Senate Resolution 54—House resolution 1—Resolution in relation to *per diem* of absent members.

On motion, the Senate receded from its amendment.

The Senate then proceeded to the consideration of the amendment to Senate bill 23—A bill to be entitled an act to incorporate the North Carolina Medicinal Company, the consideration of which had been postponed until to-day.

On motion, the Senate concurred in the amendment, and the bill was ordered to be enrolled.

The consideration of resolutions being in order, the following named resolutions were read and disposed of, as follows :

Senate resolution 125—House resolution 45—Resolution empowering the Joint Select Committee on the Compilation of the Public Laws to employ a clerk. Read and rejected.

Senate resolution 127—Joint resolution in regard to perishable property remaining in the State Arsenal, passed second time.

On motion, the rules were suspended and the resolution was read the third time.

Pending the consideration of the resolution upon its third reading, the hour of 12 M. arrived, and the Senate proceeded

to the hall of the House of Representatives to compare the returns of the vote for Executive officers in pursuance of the order of adjournment of the Joint Assembly on the 4th of December.

The Chair announced that the returns from Gates county had been received but were defective, and that no returns had yet been had from Macon and Watauga counties.

Mr. Seymour moved that the Clerk be directed to read for the information of the Joint Assembly the result of his footing with the vote of the county of Gates as it appeared in the sheriff's certificate. The motion prevailed, and the Clerk thereupon announced the result as follows:

*For Governor*—Tod R. Caldwell, 98,002; Augustus S. Merrimon, 95,579.

*For Lieutenant Governor*—Curtis H. Brogden, 96,957; John Hughes, 94,844.

*For Secretary of State*—Wm. H. Howerton, 96,073; John A. Womack, 93,853.

*For Auditor*—John Reilly, 96,464; Collete Leventhorpe, 94,638.

*For Treasurer*—David A. Jenkins, 97,019; John W. Graham, 94,571.

*For Superintendent of Public Works*—Silas Burns, 96,929; Joseph H. Separk, 93,005.

*For Superintendent of Public Instruction*—James Reid, 97,020; Nereus Mendenhall, 93,089.

*For Attorney General*—Tazewell L. Hargrove, 97,009; William M. Shipp, 94,712.

Mr. Bennett moved that special messengers be sent to Macon and Watauga to bring the missing returns to the Joint Assembly on the 17th instant.

Mr. Morris moved to lay the motion on the table. The motion to lay upon the table prevailed.

Mr. Seymour moved that the election returns be published.

Mr. Love moved that the Joint Assembly do now adjourn

until 12:30 P. M. on the 18th instant. The motion to adjourn prevailed.

The Senate thereupon returned to its own chamber, and the consideration of Senate resolution 127—Joint resolution in regard to perishable property remaining in the State Arsenal having been resumed, it was passed third time.

Mr. Humphery moved that the Senate take a recess until 3 P. M. The motion did not prevail.

The Senate then adjourned until 11 A. M. to-morrow.

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## TWENTY-FIRST DAY.

SENATE CHAMBER, December 11, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The Chair announced Messrs. Cramer, Todd and Nicholson as additional members of the Committee on Engrossed Bills.

The Chair designated Messrs. Respass, Waring and Ellis of Columbus, as the Senate branch of the Joint Select Committee on the Penitentiary.

The Chair announced a message from the Governor, which, on motion of Mr. Welch, was referred to the Judiciary Committee, with instructions to report what action was proper in the case.

Reports from standing committees were then submitted, as follows:

From the Committee on Internal Improvements:

By Mr. Cowles—Senate bill 92—A bill to be entitled an act to authorize the Carolina Narrow Gauge Railroad Company to consolidate with the Chester and Lenoir Narrow Gauge Railroad Company in South Carolina, with a recommendation that it do pass.

From the Committee on Propositions and Grievances :

By Mr. Love—Senate bill 126, House bill 23—A bill to be entitled an act to repeal chapter sixty-eight of the laws of 1871-'72, with a recommendation that it do pass.

Senate bill 141—A bill to be entitled an act to prevent the sale of intoxicating drinks in Mount Gilead township, in Montgomery county.

Senate bill 142, House bill 92—A bill to be entitled an act to amend chapter 27 private laws of 1870-'71, entitled an act in relation to the sale of spirituous liquors in the town of Asheville.

Senate bill 120, House bill 44—A bill to be entitled an act to prevent dams and other obstructions across the French Broad River.

Senate bill 34—A bill to be entitled an act prohibiting the sale of spirituous liquor within two miles of Christian Delight Church, in Beaufort county, with recommendations that they do not pass.

From the Committee on Claims :

By Mr. Troy—Senate resolution 130—Resolution for the relief of Mason L. Wiggins, with an amendment in the nature of a substitute.

From the Joint Select Committee on Constitutional Reform ;

By Mr. Merrimon—Senate resolution 122, House resolution 39—Resolution instructing the Joint Select Committee on Constitutional Reform, with a report that as the objects of the resolution would be obtained by Senate bill 3—A bill to be entitled an act to alter the Constitution of North Carolina, the committee recommended the rejection of the resolution.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Waring—A bill to be entitled an act to appoint a commission to investigate frauds in the election held Au-

gust 1, 1872. To the Committee on Privileges and Elections.

By Mr. Murray—A bill to be entitled an act to authorize the commissioners of Guilford county to levy a special-tax, and for other purposes. To the Judiciary Committee.

By Mr. Respass—A bill to be entitled an act in relation to bastards. To the Judiciary Committee.

By Mr. Price—A bill to be entitled an act to amend section 269, chapter 2, title 11 of the Code of Civil Procedure. To the Judiciary Committee.

By message from the House of Representatives—House bill 151—A bill to be entitled an act for the relief of Simon Goodwin, tax collector of Johnston county. Placed on the Calendar.

By the Committee on Printing—A bill to be entitled an act to amend chapter 180 laws of 1871-'72. Placed on the Calendar.

The following resolutions were introduced, read and disposed of, as follows:

By Mr. Murphy—Resolution of instruction to Joint Committee in Insane Asylum. Laid over under the rules.

By Mr. Dunham—Resolution to provide for the cancellation of vouchers in the Treasury Department. The rules were suspended and the resolution was adopted.

By Mr. Cowles—Resolution to let the keeping of the public grounds and buildings on contract.

On motion of Mr. Cowles, the rules were suspended and the resolution was adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

By message from the House of Representatives—House resolution 65—Resolution of instruction to the State Geologist. Concurred in.

Senate bill 3—A bill to be entitled an act to alter the Constitution of North Carolina, was ordered to be printed and made special order for 11½ A. M. to-morrow.

At 11½ A. M. the Senate proceeded to consider Senate bill 64—A bill to be entitled an act defining the duties of Judges of the Superior Courts in certain cases, it being the special order.

On motion of Mr. Powell, it was made special order for 11½ A. M. on Friday, the 13th instant.

Mr. Ellis of Columbus, moved that Senate bill—A bill to be entitled an act to appoint a commission to investigate frauds in the election held August 1, 1872, be ordered to be printed. The yeas and nays were ordered on demand of Mr. Respass, and the motion to print did not prevail. Yeas 17; nays 24.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, McCauley, Miller, Murray, Nicholson, Price, Scott, Stafford, Todd and Waring.—17.

*Negative*—Messrs. Chamberlain, Cramer, Cunningham, Davis, Grandy, Gudger, Harris, Hill, Holloman, King, Long, Love, McCabe, McCotter, Merrimon, Murphy, Norwood, Powell, Respass, Seymour, Smith, Stilley, Walker and Worth.—24.

Senate bill 86—A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railroad Company was ordered to be printed.

The following bills and resolutions and amendments, referred as correctly engrossed by Committee on Engrossed Bills, were transmitted to House of Representatives for concurrence:

Senate resolution 143—Resolution empowering the Joint Select Committee on the Sale of the Western North Carolina Railroad to take testimony under oath.

Senate resolution 151—Resolution to let the keeping of the public grounds and buildings on contract.

A message was sent to the House of Representatives informing that body that the Senate had refused to concur in

House resolution 46—Resolution of instruction to Joint Select Committee on Constitutional Reform.

Also that the Senate had receded from its amendment to Senate resolution 54, House resolution 1—Resolution in relation to *per diem* of absent members.

Bills were acted on as follows, under a suspension of the rules :

Senate bill —, House bill 13—A bill to be entitled an act for the relief of Simon Goodwin, tax collector of Johnston county. Read and passed second and third times. Yeas 41 ; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphry, King, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth.—41.

*Negative*—0.

Senate bill — A bill to be entitled an act to amend chapter 80, laws of 1871-'72, was read second time.

Mr. Welch moved to amend by adding the words: *Provided*, That this amendment shall not operate retrospectively. The amendment prevailed, and the bill passed second time.

Mr Cunningham moved that the bill be committed to the Committee on Printing, with instructions to report the facts, and that their report be ordered to be printed. The motion prevailed.

Bills on their third reading were acted on, as follows :

• Senate bill 26—A bill to be entitled an act to amend the charter of the Wilmington and Planters' Railway Company. Read and passed third time. Yeas 40 ; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy Gudger, Harris, Hill, Holloman, Horton, Humphrey, King, Long, Love, McCabe, McCauley,

McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth.—40.

*Negative*—0.

Senate bill 15—A bill to be entitled an act to amend an act entitled an act to enable any persons, not less than three, to become incorporated, &c. The bill was read.

Mr. Murphy moved an amendment in the nature of a substitute repealing chapters 138 and 199, public laws of 1871-'72.

Mr. Cramer moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment in the nature of a substitute offered by Mr. Murphy, it did not prevail.

The question then recurring on the passage of the bill, it was passed the third time. Yeas 35; nays 5.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Humphrey, King, Love, McCauley, McCotter, Merrimon Miller, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth.—35.

*Negative*—Messrs. Dunham, Grandy, McCabe, Seymour and Smith.—5.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in regard to a deficiency of seats in the House of Representatives.

Resolution in favor of the sheriff of Dare county.

House resolution to take recess.

The Senate then adjourned until 11 A. M. to-morrow.

## TWENTY-SECOND DAY.

SENATE CHAMBER, December 12, 1872.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Morehead, of Rockingham, stated that he had been unavoidably detained from his seat by collisions on the railroad.

Messrs. Respass, Waring and Ellis of Columbus, members of the Joint Select Committee to investigate matters connected with the Penitentiary, were excused from attendance on the Senate for the day.

Leave of absence was granted to Mr. Eppes until Monday next, and to Mr. Grandy for five days.

Reports from standing committees were then submitted, as follows:

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 129, House bill 28—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax, with a recommendation that it be referred to the Judiciary Committee.

From the Committee on Claims:

By Mr. Troy—Senate bill 131—A bill to be entitled an act for the relief of George C. Harrison, with a recommendation that it do not pass.

From the Committee on Corporations:

By Mr. Welch—Senate bill 108, House bill 30—A bill to be entitled an act to incorporate the Scuppernong Steamboat Transportation Company.

Senate bill 98—A bill to be entitled an act to incorporate Selma Lodge No. 320, Free and Accepted Masons.

Senate bill 110—A bill to be entitled an act to amend the act incorporating the town of Mt. Olive, in Wayne county, with recommendations that they do pass.

Senate bill 87—A bill to be entitled an act to incorporate the North Carolina Construction Company, with accompanying amendment.

From the Committee on Judiciary :

By Mr. Grandy—Senate bill 113—A bill to be entitled an act in relation to homesteads and personal property exemptions, with a recommendation that it do not pass.

By Mr. Gudger—Senate bill 112—A bill to be entitled an act in relation to constables, with a recommendation that it be referred to the Joint Select Committee on the Compilation of the Public Laws. Concurred in.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Dunham—A bill to be entitled an act to repeal chapter 138 of the laws of 1871-'72. To the Judiciary Committee.

By Mr. Grandy—A bill to be entitled an act to amend subchapter 15, 178, laws 1868-'69. To the Judiciary Committee.

A bill to be entitled an act to amend chapter 12, Revised Code, entitled "Bastard Children." To the Judiciary Committee.

By Mr. Davis—A bill to be entitled an act to change the dividing line between Franklin and Granville counties. To the Committee on Propositions and Grievances.

By Mr. Ellis, of Columbus—A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Pleasant Plains Church, in the county of Columbus. To the Committee on Propositions and Grievances.

A bill to be entitled an act for the support of the Insane Asylum of North Carolina for the year ending the 31st of December, 1873. Placed on the Calendar.

By Mr. Miller—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, Cleaveland county. To the Committee on Propositions and Grievances.

By message from the House of Representatives—House bill 25—A bill to be entitled an act to prohibit the sale of intoxicating liquors within one mile of any religious congregation. To the Committee on Propositions and Grievances.

House bill 65—A bill to be entitled an act to appoint a public guardian. To the Judiciary Committee.

The following resolutions were introduced, read and disposed of as follows :

By Mr. Avera—Resolution concerning the State debt. Referred to the Joint Select Committee on State Debt and Liabilities.

By Mr. Norwood—Resolution of instruction to the Judiciary Committee. Adopted.

By message from the House of Representatives—House resolution 47—Joint resolution in regard to the manner of drawing jurors for the Federal Courts of this State. Concurred in.

House resolution 52—Resolution in regard to the Supreme Court Library. Concurred in.

House resolution 58—Resolution of instruction to Senators and Representatives in Congress. Referred to the Committee on Military Affairs.

House resolution 59—Resolution asking the Governor to issue his proclamation, and for other purposes. Referred to the Judiciary Committee.

The hour of 11½ A. M. having arrived, the Senate proceeded to consider Senate bill 3—A bill to be entitled an act to alter the Constitution of North Carolina, it being special order for that hour.

Mr. Grandy moved to make the further consideration of the bill the special order for the 16th day of January, 1873.

Mr. Welch moved to re-commit the bill to the Committee on Constitutional Reform, with instructions to report at or before 12 M. on the 17th of December whether in the opinion of the committee the bill can be amended, and if so, to re-

port upon the same by sections on or before the 16th of January, 1873.

The question recurring on the motion of Mr. Grandy, the yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 23; nays 17.

*Affirmative*—Messrs. Avera, Chamberlain, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, King, Long, McCabe, McCotter, Miller, Norwood, Scott, Seymour, Smith, Stilley, Todd and Walker.—23.

*Negative*—Messrs. Barnhardt, Cowles, Davis, Dunham, Ellis of Catawba, Horton, Humphrey, Love, McCauley, Merrimon, Morehead of Rockingham, Nicholson, Powell, Stafford, Troy, Welch and Worth.—17.

Mr. Avera moved to reconsider the vote just taken.

Mr. Norwood moved to lay the motion to reconsider on the table.

Mr. Merrimon moved the previous question, and the main question was ordered to be put.

The question recurring thereon, the motion to reconsider prevailed.

Mr. Grandy's motion to make the bill special order having been withdrawn by consent, Mr. Welch's motion to recommit with instructions prevailed.

Bills upon their third readings were acted on as follows:

Senate bill 27—A bill to be entitled an act to amend chapter 152 of the laws of 1872. Read and passed third time. Yeas 26; nays 5.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Gudger, Holloman, Humphrey, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Seymour, Stafford, Stilley, Todd, Troy, Walker and Worth.—26.

*Negative*—Messrs. Harris, King, Long, Powell and Smith.—5.

The following bills and resolutions and amendments, reported as correctly engrossed by Committee on Engrossed

Bills, were transmitted to House of Representatives for concurrence :

Senate bill 15—A bill to be entitled an act to amend an act entitled an act to enable any persons, not less than three, to become incorporated, &c.

A message was sent to the House of Representatives informing that body that Messrs. Respass, Waring and Ellis, of Columbus, constituted the Senate branch of the Joint Select Committee to investigate matters connected with the Penitentiary.

Mr. Cunningham moved that Senate bill 86—A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railroad Company be taken up and acted upon.

The Chair in accordance with the seventh rule of order of the Senate announced that the concurrence of two-thirds of the Senators present was necessary to enable the Senate to act upon the bill otherwise than in its regular order upon the Calendar, and thereupon put the question to the Senate, and 28 Senators, being two-thirds of those present, having voted in the affirmative, the bill was put upon its second reading.

The bill having been read the second time and the question recurring upon the amendments offered by the Committee on Internal Improvements, the amendments prevailed.

Mr. Grandy moved to amend section 1 by inserting after the word Virginia the following words: "At some point in the county of Gates or some county east of Gates, and extending southward through the counties of Bertie, Martin and Pitt, and on by such route as may be deemed practicable to the line of the State of South Carolina, at some point in the county of Columbus or some county east of Columbus, and passing as near as practicable through the counties of Duplin, Sampson and Bladen." The amendment prevailed.

Mr. Merrimon moved to amend by adding the following, to come in as an additional section: "Sec. 13. That said

company shall commence the construction of said road within twelve months from the ratification of this act, or the said act shall have no force or effect." The amendment prevailed.

Mr. Merrimon moved to strike out the 8th section. The motion did not prevail.

Mr. Murphy moved to amend the 8th section by adding the following thereto: "After the completion of said road." The amendment prevailed.

Mr. Cowles moved to amend the 8th section by adding thereto the following: "*Provided*, That the right to regulate and revise the rates of freight and fares charged by this corporation is reserved to the people of the State." The amendment did not prevail.

Mr. Merrimon moved to amend the 9th section by adding thereto the following: "*Provided, nevertheless*, that at least two of the officers of the said corporation shall be citizens of North Carolina."

Mr. Seymour moved the previous question, and the Senate ordered the main question to be put.

The question recurring first on the amendment offered by Mr. Merrimon to the 9th section, it prevailed.

The question next recurring on the passage of the bill, the yeas and nays were ordered on demand of Mr. Merrimon, and the bill passed the second time. Yeas 36; nays 6.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphey, King, Long, Love, McCabe, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth.—36.

*Negative*—Messrs. Dunham, McCauley, Merrimon, Nicholson, Powell and Price.—6

Mr. Grandy asked that the bill be read the third time in accordance with the motion of the Senator from Person.

The presiding officer, the Senator from Haywood, being temporarily in the chair, announced that a suspension of the rules would be necessary for that purpose.

The motion of the Senator from Person, as submitted by the permanent presiding officer to the Senate, having been to take up and act upon the bill on its second reading, in accordance with the 7th of the Senate rules of order, Mr. Stilley moved to amend the record so as to show that in accordance with the motion of the Senator from Person the rules had been suspended for the purpose of putting the bill upon its several readings. The motion prevailed. Thereupon the bill was ordered to be read the third time.

Mr. Love moved that the Senate adjourn until to-morrow morning at 10 o'clock.

Mr. Murphy moved that the Senate adjourn until to-morrow morning at 11 o'clock.

The question first recurring on the motion of Mr. Murphy, the yeas and nays were ordered on demand of Mr. Love, and the motion did not prevail. Yeas 17; nays 22.

*Affirmative*—Messrs. Chamberlain, Dunham, Grandy, Gudger, Humphrey, King, McCauley, McCotter, Merrimon, Murphy, Norwood, Price, Scott, Seymour, Smith, Todd and Walker.—17.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Eppes, Harris, Holloman, Horton, Long, Love, Miller, Morehead of Rockingham, Murray, Nicholson, Powell, Stafford, Stilley, Troy and Worth.—22.

Mr. Murphy moved that the Senate adjourn to meet to-morrow morning at 9½ o'clock.

The question recurring first on the motion of Mr. Love, the motion prevailed, and the Senate adjourned until to-morrow morning at 10 o'clock.

## TWENTY-THIRD DAY.

SENATE CHAMBER, December 13, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were then submitted, as follows:

From the Committee on Education:

By Mr. Cunningham—Senate bill 16—A bill to be entitled an act amendatory of an act to consolidate the school laws, and provide for a system of public instruction, with a recommendation that it do not pass.

From the Committee on the Judiciary:

By Mr. Merrimon—Senate bill 155—A bill to be entitled an act to amend section 269, chapter 2, Title II, Code of Civil Procedure.

Senate bill 159—A bill to be entitled an act in relation to bastardy.

Senate bill 145—A bill to be entitled an act to amend chapter 182, laws of 1871 and 1872.

Senate bill 85—A bill to be entitled an act to authorize certain counties to subscribe to the capital stock and issue bonds to the New York, Norfolk and Charleston Railway Company.

Senate bill 133—A bill to be entitled an act increasing the powers of justices of the peace, with recommendations that they do not pass.

Senate bill 160—A bill to be entitled an act to authorize the commissioners of Guilford county to levy a special tax, and for other purposes.

Senate bill 150, House bill 86—A bill to be entitled an act in reference to executors and administrators who resided in that part of Northampton county which was afterwards annexed to the county of Hertford.

Senate bill 149, House bill 84—A bill to be entitled an act to repeal section ten of the act entitled an act to suspend the Code of Civil Procedure in certain cases, and enact a substitute for said section, with recommendations that they do pass.

By Mr. Scott—Senate bill 84—A bill to be entitled an act to fix venue in cases of corporations, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Respass—A bill to be entitled an act to authorize a special tax in Beaufort county. To the Committee on Propositions and Grievances.

By Mr. Love—A bill to be entitled an act in relation to printing the private laws. To the Committee on Finance.

By Mr. McCauley—A bill to be entitled an act concerning the right of way to churches and places of public worship. To the Committee on Roads, Rivers and Bridges.

By message from the House of Representatives—House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State. To the Committee on Propositions and Grievances.

House bill 106—A bill to be entitled an act legalizing the levying a special tax by the commissioners of Johnston county. To the Judiciary Committee.

House bill 123—A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Winfall, in Perquimans county. Placed on the Calendar.

By Mr. Seymour—A bill to be entitled an act to amend an act to incorporate the Neuse River Ferry Company of North Carolina. To the Committee on Corporations.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Love—Resolution in favor of H. Adams. Laid over under the rules, and referred to the Committee on Finance.

By Mr. Norwood—Resolution amending the joint rules of order. Laid over under the rules.

By message from the House of Representatives—House resolution 16—Resolution in favor of A. S. Hill, sheriff of Cherokee county. Referred to the Committee on Propositions and Grievances.

At 11½ A. M. the Senate proceeded to consider Senate bill 64—A bill to be entitled an act defining the duties of Judges of the Superior Courts in certain cases, it being the special order for that hour.

On motion, the consideration of the bill was postponed until 12 M. to-morrow, and made special order for that hour.

The Senate then proceeded to consider the unfinished business of yesterday, viz: Senate bill 86—A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railway Company. The bill was read third time.

Mr. Morehead, of Rockingham, moved the following amendments, which prevailed: First. Strike out in section 1, all after the word "determined," in line 44, and insert in lieu thereof the following: "under the provisions of an act entitled an act to authorize the formation of railroad companies, and to regulate the same." Second. Strike out the words "or decreased" in line 4, section 2, and add the following to said section: "not exceeding one hundred thousand shares." Third. Strike out the words "and may change its name" in line 4, section 5. Fourth. Add the following to section 8: "not exceeding six cents per ton, per mile for freight, and six cents per mile for passengers." Fifth. Strike out the words "or decrease" in line 1, and "or decreased" in line 3 of section 10.

Mr. Stilley moved to amend by striking out the following in section 1 of the bill: "and extending southward by such route as may be deemed practicable to the line of the State of South Carolina." The amendment prevailed. The bill then passed third time. Yeas 43; nays 1.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain,

Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth.—43.

*Negative*—Mr. McCauley.

On motion, the rules were suspended and the bill was ordered to be forthwith engrossed and transmitted to the House of Representatives.

Mr. Cowles moved that the rules be suspended, and House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State, be taken up and acted on.

The yeas and nays were ordered on demand of Mr. Cowles, and the Senate voted, as follows. Yeas 22; nays 18.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Welch and Worth.—22.

*Negative*—Messrs. Chamberlain, Cramer, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker.—18.

A majority of the Senators elect not having voted in the affirmative, the motion to suspend the rules did not prevail.

Bills were acted on as follows under a suspension of the rules:

Senate bill 83—A bill to be entitled an act to extend the time for taking out grants in McDowell county. Read and passed second and third times. Yeas 36; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of

Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Stafford, Todd, Walker, Welch and Worth.—36.

*Negative*—0.

Senate bill 67, House bill 10—A bill to be entitled an act to provide for the elections of Judges of the Superior Courts by the voters of their respective districts. Read and passed second and third times. Yeas 39; nays 3.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, King, Long, Love, Mabson, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Stilley, Todd, Walker, Waring, Welch and Worth.—39.

*Negative*—Messrs. Hyman, McCabe and Seymour.—3.

Senate bill 160—A bill to be entitled an act to authorize the commissioners of Guilford county to levy a special tax. Read and passed second time. Yeas 40; nays 1.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth.—40.

*Negative*—Mr. Chamberlain.

Bills on their third reading were acted on, as follows:

Senate bill 162—A bill to be entitled an act to amend chapter 180, laws of 1871-'72. The bill was read.

Mr. King moved to amend by inserting the words "re-enacted," and before the word "amended" in line 6, section 1 of the bill. The amendment prevailed.

Mr. Respass moved to amend, as follows: Strike out "80 cents per thousand ems," and insert "75 cents per thousand ems;" strike out "\$1.60" and insert "\$1.50."

Mr. Love moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment offered by Mr. Respass, Mr. Love called for a division of the question.

The question first recurring on the proposition to strike out, the yeas and nays were ordered on demand of Mr. Respass, and the Senate refused to strike out. Yeas 22, nays 23.

*Affirmative*—Messrs. Chamberlain, Cramer, Dunham, Hill, Holloman, King, Long, Mabson, McCabe, McCotter, Merri-  
mon, Miller, Murphy, Powell, Price, Respass, Seymour, Smith, Stafford, Stilley, Walker and Welch.—22.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Hyman, Love, McCauley, Morehead of Rockingham, Murray, Nicholson, Norwood, Scott, Todd, Troy, Waring and Worth.—23.

The question then recurring on its passage, the bill passed third time. Yeas 26; nays 19.

*Affirmative*—Messrs. Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Hyman, Love, Mabson, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Stafford, Todd, Troy, Waring and Worth.—26.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Dunham, Harris, Hill, Holloman, King, McCabe, McCotter, Merri-  
mon, Powell, Price, Respass, Seymour, Smith, Stilley, Walker and Welch.—19.

On motion, the rules were suspended, and the bill ordered to be forthwith engrossed and sent to the House of Representatives for concurrence.

Senate bill 89—A bill to be entitled an act to revive an

act to incorporate the Bank of Raleigh. Made special order for 11 A. M. of the 14th of December.

Bills on their second reading were acted on, as follows:

Senate bill 29—A bill to be entitled an act to regulate the rate of interest in North Carolina. The bill was read.

The question being upon the amendment in the nature of a substitute offered by the Judiciary Committee,

Mr. Ellis, of Catawba, moved to amend the amendment by striking out 15.

Mr. Avera moved to lay the amendment on the table. The motion to lay upon the table did not prevail.

Mr. King moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment in the nature of a substitute, the yeas and nays were ordered on demand of Mr. Chamberlain, and it did not prevail. Yeas 20; nays 24.

*Affirmative*—Messrs. Dunham, Ellis of Catawba, Flemming, Hill, Horton, Humphrey, King, Long, McCotter, Morehead of Rockingham, Murphy, Murray, Norwood, Respass, Scott, Seymour, Stafford, Stilley, Troy and Worth—20.

*Negative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Gudger, Harris, Hyman, Love, Mabson, McCauley, Merrimon, Miller, Nicholson, Powell, Price, Smith, Todd, Walker, Waring and Welch—24.

The question then recurring on its passage, the bill was rejected. Yeas 9; nays 34.

*Affirmative*—Messrs. Ellis of Catawba, Flemming, Humphrey, King, Morehead of Rockingham, Respass, Seymour, Stafford and Stilley—9.

*Negative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Harris, Hill, Horton, Hyman, Long, Love, Mabson,

McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Price, Scott, Smith, Todd, Troy, Walker, Waring, Welch and Worth—34.

Senate bill 33—A bill to be entitled an act to re-enact and continue in force the charter of the Fayetteville and Florence Railroad Company. Read and passed second time.

On motion, the rules were suspended, and the bill was read and passed third time. Yeas 38 ; nays 2.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker and Worth—38.

*Negative*—Messrs. Harris and McCauley—2.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the North Carolina Medicinal Company.

An act for the relief of Simeon Goodwin, tax collector of Johnston county.

Resolution in favor of Ware and Miller.

Resolution empowering the Joint Committee to Investigate the Sale of the Western North Carolina Railroad to take testimony under oath.

The following named bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 86—A bill to be entitled an act to incorporate the New York, Norfolk and Charleston Railway Company.

Senate bill 26—A bill to be entitled an act to amend the charter of the Wilmington and Planters' Railway Company.

Mr. Seymour moved that the Senate do now adjourn until 11 A. M. to-morrow.

Mr. Love moved that the Senate do now adjourn until 10 A. M. to-morrow.

The question first recurring on the motion of Mr. Seymour, the yeas and nays were ordered on demand of Mr. Love, and the motion did not prevail. Yeas 7; nays 34.

*Affirmative*—Messrs. Chamberlain, Hill, Humphrey, Mabson, Price, Scott and Smith—7.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Hyman, King, Long, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Seymour, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—34.

Mr. Respass moved that the Senate do now adjourn until 10½ A. M. to-morrow, and the question recurring thereon, the motion prevailed. The Senate thereupon stood adjourned until 10½ A. M. to-morrow.

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## TWENTY-FOURTH DAY.

SENATE CHAMBER, December 14, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The Chair announced Messrs. Cowles and Smith as the Senate branch of the Joint Select Committee to let the Public Grounds and Buildings on contract.

Reports from standing committees were then submitted as follows:

From the Committee on Internal Improvements:

By Mr. Morehead of Rockingham—Senate bill 35—A bill

to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company.

From the Committee on Education:

By Mr. Cunningham—Senate bill 13—A bill to be entitled an act for the relief of certain school teachers, with accompanying amendment.

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 28—A bill to be entitled an act to repeal an act entitled “an act to prevent the reckless destruction of deer,” ratified the 26th day of January, A. D. 1872, with a recommendation that it be laid upon the table.

Senate bill 109, House bill 28—A bill to be entitled an act to authorize the commissioners of Watauga to levy a special tax.

Senate bill 184—A bill to be entitled an act to authorize a special tax in Beaufort county.

House resolution 16, Senate resolution 185—Resolution in favor of A. S. Hill, sheriff of Cherokee county, with accompanying amendments.

From the Committee on Judiciary:

By Mr. Merrimon—Senate bill 179, House bill 106—A bill to be entitled an act legalizing the levying of a special tax by the commissioners of Johnston county, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Love—A bill to be entitled an act in relation to attorneys at law. To the Judiciary Committee.

By Mr. King—A bill to be entitled an act for the relief of certain tax payers in Lenoir county. To the Committee on Propositions and Grievances.

Mr. Miller moved that the rules be suspended, and Senate bill 170, a bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, Cleaveland county,

be put upon its several readings. The motion prevailed, and the bill was read.

Mr. Miller moved the following amendments to come in as an additional section :

“SECTION 2. That the provisions of this act shall first be submitted to the legal voters within the corporate limits of said town on the first day of January, eighteen hundred and seventy-three, and upon the approval of the majority of said voters of the provisions of this act it shall take effect, otherwise it shall be of no effect.”

The amendment prevailed.

Mr. Powell moved that the bill be referred to the Judiciary Committee, with instructions to report a general law.

Mr. Cowles moved that the bill be laid upon the table.

The motion to lay upon the table did not prevail, and the question recurring thereon, the motion to refer to the Judiciary Committee, with instructions, prevailed.

At 11 A. M. the Senate proceeded to consider Senate bill 89—A bill to be entitled an act to revive an act to incorporate the Bank of Raleigh, it being the special order for that hour.

Mr. Worth moved that the bill be referred to the Judiciary Committee, with instructions to report a general bill regulating the rate of interest in the State, so that it shall operate uniformly upon corporations and individuals. The motion to commit with instructions prevailed.

Bills were acted on as follows, under a suspension of the rules :

Senate bill 13—A bill to be entitled an act for the relief of certain school teachers. The bill was read second time. The amendments proposed by the Committee on Education prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 41 ; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamber-

lain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Smith, Stilley, Todd, Walker, Waring, Welch and Worth—41.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 28—A bill to be entitled an act to repeal an act entitled "An act to prevent the reckless destruction of deer," ratified the 26th day of January, A. D. 1872. Laid on the table.

Senate bill 171—A bill to be entitled an act for the support of the Insane Asylum of North Carolina for the year ending the 31st of December, 1873. The bill was read the second time.

Mr. Allen moved the previous question, and the Senate ordered the main question to be put.

The question recurring on its passage, the bill passed second time. Yeas 41; nays 1.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, King, Long, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stilley, Todd, Walker, Waring, Welch and Worth—41.

*Negative*—Mr. Stafford—1.

On motion of Mr. Dunham, Senate bill 80, House bill 59—A bill to be entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad was recommitted to the Committee on Internal Improvements.

On motion of Mr. Nicholson, Senate bill 6—A bill to be

entitled an act to amend the charter of the town of Statesville, was taken from the table and made special order for Monday, the 16th instant, at 12 M.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act concerning the election of Judges.

Joint resolution in regard to the manner of drawing jurors for the Federal Courts of this State.

Resolution in relation to the *per diem* of absent members.

Resolution in regard to the Supreme Court Library.

Resolution in favor of the employees of the General Assembly.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 13—A bill to be entitled an act for the relief of certain school teachers.

Senate bill 162—A bill to be entitled an act to amend chapter 180, laws of 1871-'72.

Senate bill 83—A bill to be entitled an act to extend the time for taking out grants in McDowell county.

Senate resolution 127—Joint resolution in regard to perishable goods remaining in the State Arsenal.

Senate resolution 157—Resolution to provide for the cancellation of vouchers in the Treasury Department.

Senate bill 33—A bill to be entitled an act to re-enact and continue in force the charter of the Fayetteville and Florence Railroad Company.

The Senate then adjourned until Monday morning at 10½ o'clock.

## TWENTY-FIFTH DAY.

SENATE CHAMBER, December 16, 1872.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Reports from standing committees were then submitted as follows:

From the Committee on Internal Improvements:

By Mr. Morehead of Rockingham—Senate bill 80, House bill 59—A bill to be entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad, with a recommendation that it do pass.

From the Committee on Privileges and Elections:

By Mr. Cowles—Senate bill 161—A bill to be entitled an act to appoint a commission to investigate frauds in the election held August 1, 1872, with a recommendation that it do not pass.

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 189—A bill to be entitled an act for the relief of certain tax-payers in Lenoir county, with a recommendation that it do pass.

Senate bill 169, House bill 25—A bill to be entitled an act to prohibit the sale of intoxicating liquors within one mile of any religious congregation.

Senate bill 163—A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Pleasant Plains Church, in the county of Columbus, with recommendations that they be laid upon the table.

Senate bill 180, House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State, with a recommendation that it do pass.

From the Committee on Education:

By Mr. Cunningham—Senate resolution 19—Resolution of instruction to the Committee on Education, stating that

in obedience to the instructions, they had already reported a bill.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Respass—A bill to be entitled an act in relation to taking fish in Pamlico river or its tributaries. To the Committee on Propositions and Grievances.

By Mr. Morehead of Rockingham—A bill to be entitled an act to amend the charter of the North Carolina Spoke and Handle Manufacturing Company. To the Committee on Corporations.

By Mr. Murray—A bill to be entitled an act to amend section 10 of chapter 42, laws of 1870-'71, entitled "an act to suspend the Code of Civil Procedure in certain cases." To the Committee on Judiciary.

By Mr. McCauley—A bill to be entitled an act to repeal certain sections of chapter 12, Revised Code, in relation to bastard children. To the Judiciary Committee.

By Mr. Ellis of Columbus—A bill to be entitled an act to repeal an act to provide for the service of process issued from Courts of Justices of the Peace in civil causes, where one or more of the defendants may reside out of the county in which the action is brought. To the Judiciary Committee.

By Mr. Worth—A bill to be entitled an act to amend chapter 93 of the public laws of 1871-'72. To the Judiciary Committee.

By Mr. Waring—A bill to be entitled an act to establish a Chronic Insane Asylum, at or near the town of Charlotte. To the Committee on Propositions and Grievances.

A bill to be entitled an act to refund the taxes paid by the Atlantic, Tennessee and Ohio Railroad Company for the years 1871-'72. To the Committee on Claims.

By Mr. Walker—A bill to be entitled an act to recharter

the Hickory Nut Turnpike Company. To the Committee on Internal Improvements.

By Mr. Mabson—A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Shiloh Church, in the county of New Hanover. To the Committee on Propositions and Grievances.

By message from the House of Representatives, House bill 64—A bill to be entitled an act to prevent the sale of spirituous liquors within one and a half miles of Cold Spring Camp Ground of the Methodist Church South. To the Committee on Propositions and Grievances.

House bill 21—A bill to be entitled an act to establish a portion of the line between North Carolina and Tennessee. To the Committee on Propositions and Grievances.

House bill 49—A bill to be entitled an act to provide for the erection of a jail in Hayesville, Clay county. To the Committee on Propositions and Grievances.

House bill 40—A bill to be entitled an act to amend an act entitled an "act to provide for the procedure in special proceedings generally," &c., and for other purposes. To the Judiciary Committee.

House bill 48—A bill to be entitled an act relative to fees of county officers. To the Judiciary Committee.

House bill 136—A bill to be entitled an act for the more effectual security of life and property on railroads, and for other purposes. Placed on the Calendar.

The following resolutions were introduced, read and disposed of, as follows:

By Mr. Flemming—Resolution of instruction to the Committee on Agriculture. Adopted.

By Mr. Murphy—Resolution of instruction. Laid over under the rules.

By message from the House of Representatives—House resolution 4—Resolution asking our Representatives in Congress to reduce the cost in bankruptcy proceedings. To the Committee on Propositions and Grievances.

House resolution 82—Resolution to raise a Joint Committee. Concurred in.

House resolution 64—Resolution authorizing the trustees of the public library to enlarge the rooms of said library. Placed on the Calendar.

House resolution 67—Resolution of instruction to Attorney General W. M. Shipp. Referred to the Judiciary Committee.

House resolution 70—Resolution providing for a Joint Committee to examine the accounts of the Treasurer for October, November and December. Concurred in.

Bills were acted on as follows under a suspension of the rules:

Senate resolution 130—Resolution for the relief of Mason L. Wiggins. The resolution was read the second time.

Mr. Cunningham moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment in the nature of a substitute, offered by the Committee on Claims, the amendment prevailed.

And thereupon, the Chair being about to put the question upon the passage of the resolution on the second reading by the sound,

Mr. King rose to the following point of order: That the resolution required of the Treasurer of the State to pay out money, and that therefore in accordance with section 16, article II. of the Constitution of the State, the vote must be taken by yeas and nays, and entered upon the Journal.

The Chair decided the point not to be well taken, and having put the question to the Senate, the resolution passed the second time.

The resolution was then read, and passed third time. Yeas 40; nays 3.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Hol-

loman, Horton, Hyman, Long, Love, Mabson, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—40.

*Negative*—Messrs. Chamberlain, King and Respass—3.

The resolution was therefore ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 160—A bill to be entitled an act to authorize the commissioners of Guilford county to levy a special tax, and for other purposes. Read and passed third time. Yeas 43; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, King, Long, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—43.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Love moved that Senate bill 180, House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State be taken up.

The yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 30; nays 11.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—30.

*Negative*—Messrs. Chamberlain, Cramer, Hill, Holloman,

Hyman, King, Long, Respass, Smith, Stilley and Walker—11.

The bill was read second time.

Mr. Cowles moved the following amendment: Strike out in line 2, section 2, the words four thousand dollars, and insert three thousand dollars.

Mr. Powell moved to amend as follows: Strike out \$2,500 and insert \$3,000 wherever it occurs as the salary of the Treasurer.

Pending which, at 12 M. the Senate proceeded to consider Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville, it being the special order for that hour.

Mr. Love moved to postpone further consideration of the same until the bill then before the Senate was disposed of.

The yeas and nays were ordered on demand of Mr. Chamberlain, and the motion prevailed. Yeas 29; nays 14.

*Affirmative*.—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—29.

*Negative*.—Messrs. Chamberlain, Cramer, Eppes, Harris, Hill, Holloman, Hyman, King, Long, Respass, Seymour, Smith, Stilley and Walker—14.

The Senate then resumed the consideration of Senate bill 180, House bill 47.

Mr. Avera moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment proposed by Mr. Powell, the yeas and nays were ordered on demand of Mr. Avera, and the amendment prevailed. Yeas 25; nays 20.

*Affirmative*.—Messrs. Chamberlain, Cramer, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Hol-

loman, Hyman, King, Long, Love, Mabson, Miller, Powell, Respass, Scott, Seymour, Smith, Stilley, Troy, Walker and Welch—25.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Horton, McCauley, Merrimon, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Stafford, Todd, Waring and Worth—20.

The question next recurring on the amendment offered by Mr. Cowles, the yeas and nays were ordered on demand of Mr. Todd, and the amendment did not prevail. Yeas 16; nays 29.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Horton, McCauley, Miller, Morehead of Rockingham, Nicholson, Price, Stafford, Todd, Troy, Waring and Welch—16.

*Negative*—Messrs. Allen, Chamberlain, Cramer, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, Merrimon, Murphy, Norwood, Powell, Respass, Scott, Seymour, Smith, Stilley, Walker and Worth—29.

The question then recurring on its passage, the bill passed the second time. The bill was read the third time.

Mr. Worth moved to amend by striking out \$4,000 and inserting \$3,500 as the salary of the Governor. The yeas and nays were ordered on demand of Mr. Welch, and the amendment did not prevail. Yeas 20; nays 25.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Horton, McCauley, Merrimon, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—20.

*Negative*—Messrs. Allen, Chamberlain, Cramer, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, Miller, Powell, Respass, Scott, Seymour, Smith, Stilley and Walker—25.

Mr. Avera moved to amend by striking out \$3,000 and inserting \$2,500 as the salary of the Treasurer. The yeas and nays were ordered on demand of Mr. Cowles, and the amendment did not prevail. Yeas 17; nays 27.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Horton, McCauley, Merrimon, Morehead of Rockingham, Nicholson, Price, Stafford, Todd, Troy, and Worth—17.

*Negative*—Messrs. Chamberlain, Cramer, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, Miller, Murphy, Norwood, Powell, Respass, Scott, Seymour, Smith, Stilley, Walker and Welch—27.

The bill then passed the third time. Yeas 40; nays 6.

*Affirmative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Respass, Scott, Seymour, Smith, Stafford, Stilley, Troy, Walker, Waring, Welch and Worth—40.

*Negative*—Messrs. Avera, Barnhardt, Horton, Nicholson, Price and Todd—6.

The amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

On motion of Mr. Humphrey, Senate bill 35—A bill to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company was made special order for 1 P. M. to-day.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate resolution 130—Resolution for the relief of Mason L. Wiggins.

Senate bill 160—A bill to be entitled an act to authorize the commissioners of Guilford county to levy a special tax, and for other purposes.

Amendments to Senate bill 180—House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State.

The Senate then resumed the consideration of Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville. The bill was read second time.

Mr. Allen moved to lay the bill upon the table. The motion did not prevail, and the bill passed second time. The bill was read the third time.

Mr. Respass moved that the bill be made special order for 19th January, at 12 M. The motion did not prevail.

The question then recurring on its passage, the bill failed to pass third time. Yeas 21; nays 24.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Davis, Ellis of Columbus, Horton, Humphrey, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Powell, Price, Stafford, Todd, Troy, Walker, Waring and Worth—21.

*Negative*—Messrs. Allen, Chamberlain, Cunningham, Dunham, Ellis of Catawba, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, Merrimon, Murray, Norwood, Respass, Scott, Seymour, Smith, Stilley and Welch—24.

At 1 P. M. the Senate proceeded to consider the special order for that hour, viz: Senate bill 35—A bill to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company. The bill was made special order for 11½ A. M. to-morrow.

Senate bill 64—A bill to be entitled an act defining the duties of Judges of the Superior Courts in certain cases

was taken up and referred to the Committee on the Compilation of the Public Laws.

A message was received from the House of Representatives transmitting reports from the officers of the Institution for the Deaf and Dumb and the Blind, the Insane Asylum and the Penitentiary, with a proposition to print the same.

On motion, the Senate concurred in the proposition to print.

A message was received from the House of Representatives announcing that that body had concurred in the amendment, adopted by the Senate to Senate bill 180, House bill 47—A bill to be entitled an act to regulate the salaries of the Governor and Treasurer of the State, and thereupon the bill was ordered to be enrolled.

The Chair announced Messrs. Dunham and Stilley as the Senate branch of the Joint Select Committee to Examine the Accounts of the Treasurer, for October, November and December, and Messrs. Merrimon, King, Dunham, Worth, Cramer and Respass as the Senate branch of the Joint Select Committee to Examine the Bill of Constitutional Amendments.

The Senate then adjourned until 10 A. M. to-morrow.

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## TWENTY-SIXTH DAY.

SENATE CHAMBER, December 17, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Atkinson.

Journal of yesterday was read.

Mr. Allen presented a petition from the commissioners of Pamlico county, which was referred to the Judiciary Committee.

Mr. Scott presented a petition from A. W. Shaffer, which was also referred to the Judiciary Committee.

Reports from standing committees were then submitted as follows :

From the Committee on Judiciary :

By Mr. Duuham—Senate resolution 172—House resolution 59—Resolution asking the Governor to issue his proclamation and for other purposes, with a recommendation that it do not pass.

By Mr. Seymour—Senate resolution 207—House resolution 67—Resolution of instruction to Attorney General W. M. Shipp, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Welch—Senate bill 204—A bill to be entitled an act to amend the charter of the North Carolina Spoke and Handle Manufacturing Company, with a recommendation that it do pass.

Senate bill 182—A bill to be entitled an act to amend an act to incorporate the Neuse River Ferry Company of North Carolina, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Cowles—A bill to be entitled an act to regulate the bringing of suits in *forma pauperis*. To the Judiciary Committee.

By Mr. Avera—A bill to be entitled an act to prevent the sale of poisons. To the Judiciary Committee.

By Mr. Mabson—A bill to be entitled an act to incorporate the Cape Fear Building Association. To the Committee on Propositions and Grievances.

By message from the House of Representatives—House bill 105—A bill to be entitled an act to discontinue a public highway from Salem to Moses Stewart's, in Forsythe county. To the Committee on Propositions and Grievances.

House bill 102—A bill to be entitled an act to amend sec-

tion 9, sub-division 1, of an act respecting the county treasurers. To the Judiciary Committee.

House bill 101—A bill to be entitled an act to amend sub-division 33, section 8 and section 12, of an act concerning the government of counties. To the Judiciary Committee.

House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen. To the Committee on Propositions and Grievances.

House bill 149—A bill to be entitled an act in regard to certain sales in North Carolina. To the Committee on Propositions and Grievances.

House bill 1—A bill to be entitled an act to amend section 3, chapter 68, acts 1871-'72. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cowles—Resolution in regard to adjournment for recess. Adopted.

By the Committee on the Library—Resolution in relation to the library. Recommended to the Committee on the Library.

By Mr. Flemming—Resolution in regard to the dividends arising from the State's interest in the North Carolina Railroad Company. Adopted.

By message from the House of Representatives—House resolution 35—Resolution in favor of James M. Young, sheriff of Buncombe county. Referred to the Committee on Propositions and Grievances.

House resolution 84—Resolution to appoint a Joint Select Committee on Immigration. Concurred in.

At 11½ A. M. the Senate proceeded to consider Senate bill 35—A bill to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company, it being the special order for that hour. The bill was read the third time.

Mr. Humphrey moved to amend by inserting the follow-

ing, to come in after the words Greenville, in Pitt county, in section 1: "and from Goldsboro to Fayetteville via Newton Grove, in Sampson county." The amendment prevailed.

Mr. Humphrey also moved to amend by inserting the following to come in after the words "Germain Bernard, of Pitt," in section 2: "Hiram Grantham, Needham Stearns, W. H. Bryan, Blackman Lee, Richard Bryan, Thomas Devane, J. B. Cox and J. H. Bryan." This amendment also prevailed.

Mr. Humphrey moved to further amend by adding the following to come in as additional sections:

SECTION 16. That the said Snow Hill, Greenville and Goldsboro Railroad Company shall have power to unite, merge and consolidate with any railway company.

SEC. 17. That the said company shall have power to lease and operate the road of any other railway company so desiring, and shall have authority to transport passengers, freight or merchandise over their own railroad, its branches or that of any railway it may lease upon such terms and conditions as may be determined by the board of directors of the said company, and the said board of directors shall have power to arrange and perfect the terms of any union, merging and consolidation with any other company.

SEC. 18. That this act shall take effect from and after its ratification.

This amendment also prevailed.

Mr. Todd moved to amend by striking out the 15th section. The amendment did not prevail, and the question recurring on its passage, the bill passed third time. Yeas 38; Nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Horton, Humphrey, Hyman, King, Love, Mabson, McCauley, McCotter, Miller,

Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stilley, Todd, Troy, Walker, Waring, Welch and Worth.—38.

*Negative*—0.

On motion of Mr. Humphrey, the rules were suspended and the bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Bills were acted on as follows under a suspension of the rules :

Senate bill 171—A bill to be entitled an act for the support of the Insane Asylum of North Carolina for the year ending the thirty-first of September, one thousand eight hundred and seventy-three. Read and passed third time. Yeas 33 ; nays 3.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Hyman, Long, McCauley, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Seymour, Smith, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—33.

*Negative*—Messrs. Love, McCotter and Stafford.—3.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 179—House bill 106—A bill legalizing the levying of a special tax by the commissioners of Johnston county. Read and passed second time. Yeas 21 ; nays 9.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Columbus, Gudger, Horton, Love, McCauley, Miller, Murphy, Murray, Norwood, Powell, Stafford, Todd, Troy, Walker and Welch.—21.

*Negative*—Messrs. Allen, Chamberlain Hyman, Long, McCotter, Respass, Seymour, Smith and Stilley.—9.

The bill was made special order for 12 M. to-morrow.

Senate bill 178—House bill 123—A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile

of Winfall, in Perquimans county. Read and laid upon the table.

Senate bill 71—A bill to be entitled an act to extend the time for redemption of property sold for taxes. The bill was read the second time.

Mr. Murphy moved to amend so as to extend the time sixty days instead of thirty days. The amendment prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 40; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Love, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—40.

*Negative*—0.

Senate bill 46—A bill to be entitled an act to amend an act to incorporate the Wilmington Mutual Insurance Company. Read and passed second and third times. Yeas 24; nays 15.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, King, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Troy, Waring, Welch and Worth.—24.

*Negative*—Messrs. Chamberlain, Cramer, Dunham, Gudger, Hill, Holloman, Hyman, Long, Love, McCotter, Respass, Smith, Stille, Todd and Walker.—15.

Senate bill 149—House bill 84—A bill to be entitled an act to repeal section ten of the act to suspend the Code of Civil Procedure in certain cases. Read and passed second and third times. Yeas 39; nays 2.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Hy-

man, King, Long, Mabson, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—Messrs. Chamberlain and Respass—2.

Senate bill 182—A bill to be entitled an act to amend an act to incorporate the Neuse River Ferry Company of North Carolina. Recommended to the Committee on Corporations.

Senate bill 80—A bill to be entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad. Read and passed second and third times.

*Affirmative*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Hyman, Long, Love, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth—33.

*Negative*—0.

The bill was ordered to be forthwith enrolled.

Senate bill 111—A bill to be entitled an act to amend an act requiring clerks of the Superior Court to have their offices open every Monday for the transaction of business. Recommended to the Judiciary Committee.

Senate bill 196, House bill 136—A bill to be entitled an act for the more effectual security of life and property on railroads, and for other purposes. Read and passed second time. The bill was read the third time.

Mr. Gudger moved that the bill be recommitted to the Judiciary Committee. The motion did not prevail.

Mr. Merrimon moved to amend by striking out section 2. The amendment did not prevail.

Mr. Love moved to recommit to the Judiciary Committee with instructions to report before 11 A. M. to-morrow, and that the bill be made special order for that hour. The motion prevailed.

Mr. Gudger moved to reconsider the vote by which Senate bill 6, a bill to be entitled an act to amend the charter of the town of Statesville was rejected. The motion prevailed, and the bill was recommitted to the Judiciary Committee.

Mr. Cowles presented a report from the Joint Select Committee to Let the Public Grounds and Buildings on contract, which was concurred in and ordered to be transmitted to the House of Representatives.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition of the House to raise a Joint Select Committee on the Bill of Constitutional Amendments, and designating Messrs. Merrimon, King, Dunham, Worth, Cramer and Respass, as the Senate branch of said committee; also that the Senate had concurred in the proposition of the House to raise a Select Committee to Examine the accounts of the Treasurer for October, November and December, and designating Messrs. Dunham and Stilley as the Senate branch of said committee.

A message was sent to the House of Representatives transmitting the report of the Joint Select Committee to let the Keeping of the Public Grounds and Buildings on contract.

The considerations of resolutions being in order, the following resolutions were read and disposed of, as follows:

Senate resolution 122—Resolution instructing the Joint Select Committee on Constitutional Reform, to inquire into the propriety of amending article 5, section 6 of the Constitution of North Carolina. Laid on the table.

Senate resolution 185—Resolution in regard to joint rules.

Mr. Allen moved to amend by striking out "Judiciary" and inserting "Corporations." The amendment prevailed, and the resolution was adopted.

Senate resolution 158—Resolution of instruction to the Joint Committee on the Insane Asylum. Adopted.

Senate resolution 208—House resolution 64—Resolution authorizing the trustees of the public library to enlarge the rooms of said library. Rejected.

Senate resolution 212—Resolution of instruction. Adopted.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

An act to re-enact and amend chapter 180, laws 1871-'72, entitled an act to establish the rates of public printing, and for other purposes.

An act to incorporate the North Carolina State Life Insurance Company.

An act to regulate the salaries of the Governor and Treasurer.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 171—A bill to be entitled an act for the support of the Insane Asylum of North Carolina for the year ending the 31st December, 1873.

On motion of Mr. Miller, the Committee on the Judiciary were instructed to report upon Senate bill 170—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, to-morrow morning at 10 o'clock.

The Senate then adjourned until 10 A. M. to-morrow.

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## TWENTY-SEVENTH DAY.

SENATE CHAMBER, December 18, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mason.

Journal of yesterday was read.

Leave of absence was granted Mr. Hyman for to-morrow.

Reports from standing committees were then submitted as follows :

From the Committee on Judiciary.

By Mr. Allen—Senate bill 170—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, Cleaveland county, without recommendation.

Senate bill 196, House bill 136—A bill to be entitled an act for the more effectual security of life and property on railroads, and for other purposes, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Love—A bill to be entitled an act in relation to the public printing. To the Committee on Finance.

By Mr. McCabe—A bill to be entitled an act to incorporate the Edgecombe Female Seminary. To the Committee on Corporations.

By Mr. Ellis of Columbus—A bill to be entitled an act to establish at Wilmington, North Carolina, a branch of the Insane Asylum of North Carolina. To the Committee on Insane Asylum.

By Mr. Walker—A bill to be entitled an act to abolish capital punishment. To the Judiciary Committee.

The following resolutions were introduced, read and disposed of as follows:

By Mr. Seymour—Resolution instructing the public printer to print sixty copies of Battle's Compilation of the Laws of North Carolina. Made special of 12 M. of the 16th January, 1873.

By message from the House of Representatives—House resolution 87—Resolution of instruction to the Joint Committee on Library. Concurred in.

House resolution 92—Resolution in favor of certain witnesses summoned before the Committee on Privileges and Elections. Concurred in and ordered to be forthwith enrolled.

By Mr. Davis—Resolution in relation to Burke Square. Adopted, and ordered to be forthwith engrossed and trans-

mitted to the House of Representatives for concurrence, together with the accompanying documents.

At 11 A. M. the Senate proceeded to consider Senate bill 196, House bill 136—A bill to be entitled an act for the more effectual security of life and property on the railroads, and for other purposes, it being special order for that hour.

On motion, the bill was postponed until 12 M. of the 22d of January, 1873, and made special order for that hour.

Mr. Norwood submitted a report from the Joint Select Committee on the State Debt and Liabilities, which was read and transmitted to the House of Representatives.

Senate Resolution 19—Resolution of instruction to the Committee on Education was read and laid upon the table.

A message was received from the House of Representatives transmitting a report from the Joint Select Committee on the Sale of the Western North Carolina Railroad.

Mr. Cowles, by cosent, introduced the following resolution :

*Resolved*, That the Senate branch of the Joint Committee on Public Printing be instructed to report to the Senate what disposition they have made of the public printing, and the terms of any contract they may have entered into, with the names of contractors for the same, to the end that the same may be ratified or rejected by the General Assembly.

The resolution was read.

Mr. Love moved to amend by inserting the word "forthwith" after the word report, in line 4 of the resolution. The amendment prevailed.

Mr. Merrimon offered the following amendment in the nature of a resolution :

*Resolved*, By the Senate that the Senate branch of the Joint Committee on Public Printing be instructed not to enter into any contract for the public printing until further instructed by the General Assembly of North Carolina.

Mr. Stilley moved to amend by striking out all after the word same, in line ten of the original resolution.

Pending the consideration of the resolution, at 12 M. the Senate proceeded to consider Senate bill 179, House bill 116—A bill to be entitled an act to legalize the levying of a special tax by the commissioners of Johnston county, it being the special order for that hour.

On motion of Mr Love, the special order was postponed until after action of the Senate upon the resolution in regard to the public printing. The Senate thereupon resumed the consideration of the resolution offered by Mr. Cowles.

Mr. Cunningham moved the previous question, and the Senate ordered the question to be put. The question first recurring on the amendment of Mr. Stilley, it prevailed.

The question next recurring on the amendment in the nature of a substitute offered by Mr. Merrimon, the yeas and nays were ordered on demand of Mr. Merrimon, and the amendment did not prevail. Yeas 13; nays 27.

*Affirmative*—Messrs. Avera, Cowles, Gudger, King, Love, McCauley, Merrimon, Morehead of Rockingham, Murphy, Nicholson, Powell, Troy and Worth—13.

*Negative*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Hill, Hollomon, Hyman, Long, Mabson, McCabe, McCotter, Miller, Murphy, Norwood, Price, Scott, Smith, Stilley, Todd, Walker and Waring—27.

The question then recurring on its adoption, the resolution was adopted.

The Senate then resumed the consideration of Senate bill 179, House bill 116—A bill to be entitled an act to legalize the levying of a special tax by the commissioners of Johnston county, and the bill was read and passed third times. Yeas 30; nays 5.

*Affirmative*—Messrs. Avera, Barnhart, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hollomon, Horton, King,

Love, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Walker, Waring and Worth—30.

*Negative*—Messrs. Hyman, Long, Seymour, Smith and Stilley—5.

On motion, the rules were suspended and the bill was ordered to be forthwith enrolled.

Bills were acted on as follows, under a suspension of the rules:

Senate bill 81—A bill to be entitled an act to allow owners of the Catawba toll bridge to list it for taxes, and other purposes, in the county of Catawba. Read and passed second and third times. Yeas 32; nays 6.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Hill, Hollomon, Horton, Hyman, King, Love, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—32.

*Negative*—Messrs. Chamberlain, Flemming, Gudger, Merrimon, Seymour and Stilley—6.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 110—A bill to be entitled an act to amend the act to incorporate the town of Mount Olive, in the county of Wayne. Read and passed second time. The bill was read the third time, amended by striking out "January" and inserting "May" in line 7 thereof, and passed the third time. Yeas 40; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Hollomon, Horton, Hyman, King, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price,

Scott, Stafford, Stilley, Todd, Troy, Walker, Waring and Worth—40.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 92—A bill to be entitled an act to authorize the Carolina Narrow Gauge Railroad Company to consolidate with the Chester and Lenoir Narrow Gauge Railroad Company in South Carolina. Read and passed second time. The bill was read the third time.

Mr. Troy moved the previous question, and the Senate ordered the main question to be put. The bill then passed third time. Yeas 37; nays 1.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Hyman, Long, Love, McCauley, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—37.

*Negative*—Mr. King—1.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

At 12:30 P. M. the Senate, in accordance with the order of adjournment of the Joint Assembly had on the 10th instant, proceeded to the hall of the House of Representatives where a joint session was had, a record of whose proceedings will be found in the Journal of the House of Representatives for to-day.

Mr. Waring submitted a report from the Committee on Printing, which was read.

The Senator from McDowell being in the Chair, Mr. Ellis of Columbus, by consent, introduced the following resolution of thanks, which was read and unanimously adopted.

*Resolved*, That the thanks of the Senate be and are hereby

tendered to the President, clerks and officers of the Senate for the handsome, efficient and acceptable manner in which they have discharged the duties of their several positions.

The following bills, resolutions and amendments as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

Senate bill 35—A bill to be entitled an act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company.

Senate resolution 212—Resolution of instruction.

Senate resolution 158—Resolution of instruction to the Joint Committee on Insane Asylum.

Senate resolution 229—Resolution in regard to adjournment for recess.

Senate resolution 186—Resolution in regard to joint rules.

Senate bill 71—A bill to be entitled an act to extend the time for redemption of property sold for taxes.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act to change the time for holding the Spring Term of the Superior Court of Cabarrus county.

An act to repeal section 10 of an act entitled an act to suspend the Code of Civil Procedure in certain cases, and to enact a substitute for said section.

An act to amend the charter of the Wilmington and Planters' Railway Company.

An act to charter the Wilson and Tar River Narrow Gauge Railroad.

An act to re-enact and continue in force the charter of the Fayetteville and Florence Railroad Company and the several acts amendatory thereof.

An act to incorporate the New York, Norfolk and Charleston Railroad.

A resolution of instruction to the Attorney General.

Mr. Powell moved that the Senate do now adjourn until 6 A. M. to-morrow.

Mr. Chamberlain moved that the Senate do now adjourn until 10 A. M. to-morrow.

Mr. Hyman moved to adjourn till 7½ this evening.

The question first recurring on the motion to adjourn until 10 A. M. to-morrow, the yeas and nays were ordered on demand of Mr. Cowles, and the Senate refused to adjourn. Yeas 15; nays 24.

*Affirmative*.—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Dunham, Eppes, Horton, McCauley, Miller, Morehead of Rockingham, Nicholson, Smith, Stafford and Todd—15.

*Negative*.—Messrs. Avera, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Hyman, King, Long, Love, McCotter, Murphy, Murray, Norwood, Powell, Scott, Seymour, Stilley, Walker, Waring, Welch and Worth—24.

The question next recurring on the motion to adjourn until 6 A. M. to-morrow, the yeas and nays were ordered on demand of Mr. Love, and the motion prevailed. Yeas 22; nays 15.

*Affirmative*.—Messrs. Avera, Cramer, Cunningham, Davis, Ellis of Columbus, Ellis of Catawba, Gudger, Hill, Holloman, Horton, King, Long, Love, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stilley and Welch—22.

*Negative*.—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Dunham, Eppes, Hyman, McCauley, Miller, Morehead of Rockingham, Nicholson, Stafford, Todd, Walker and Worth—15.

The Senate thereupon stood adjourned until 6 A. M. to-morrow.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER, December 19, 1872.

The Senate met pursuant to adjournment at 6 A. M.

The Journal of yesterday was read.

The following named bills were introduced, read and passed first time and were referred or otherwise disposed of, as follows :

By message from the House of Representatives—House bill 190—A bill to be entitled an act for the relief of Timothy F. Lee, sheriff of Wake county. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows :

By message from the House of Representatives—House resolution 89—Resolution for the reassessment and valuation of the Wilmington, Columbia and Augusta Railroad. Read and passed first time.

On motion, of Mr. Ellis, of Columbus, the rules were suspended, and the resolution was read and passed second and third time.

A message was received from the House of Representatives announcing that that body had concurred in the proposition of the Senate to raise a Joint Select Committee on the Cancellation of Vouchers in the Treasury Department, and designating Messrs. Hanner, Stowe and Gorman as the House branch of said committee.

The following bills and resolutions, reported correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State.

An act to extend the time for taking out grants in McDowell county.

An act for the support of the Insane Asylum for the year 1873.

An act to authorize the commissioners of Guilford county to levy a special tax, and for other purposes.

Resolution in favor of certain witnesses before the Committee on Privileges and Elections.

Resolution to provide for the cancellation of the vouchers in the Treasury Department.

The following bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

Senate resolution—Resolution in regard to Burke Square.

Mr. Love moved that the Senate do now adjourn, and the motion prevailed.

Before announcing the result of the vote the President said: Senators before announcing the adjournment of this body, I desire to express my thanks to the Senators for their courteous indulgence and co-operation in the performance of the duties incident to the position of their presiding officer, nor can I refrain from testifying to the patriotic zeal with which Senators have performed their public duties.

It was to have been expected that something of the partisan spirit and prejudice naturally engendered by the political contest of the past Summer and Autumn would have been manifested here, but to the honor and credit of the Senate, be it said that its proceedings have been characterized by a total absence of all political demonstration.

Your strict attention to legislative duties, the very few efforts by Senators to manufacture party capital, and the manifest disposition of all parties to ignore everything tending to divert attention from the legitimate business of legislation, deserves the approbation of the whole people, and if your example shall but be followed by your constituents, the time is not for distant when an era of good feeling of forgetfulness and oblivion of many of the causes which have unhappily divided the people of the Commonwealth will dawn upon our people.

And now wishing each and every Senator a pleasant visit to his home, I declare the Senate adjourned until 12 M., 15th of January, 1873.

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## TWENTY-NINTH DAY.

SENATE CHAMBER, January 15, 1873.

The Senate met pursuant to adjournment at 12 M.

Hon. Curtis H. Brogden, Lieutenant Governor of the State of North Carolina, having taken the chair, proceeded to address the Senate as follows:

SENATORS: The Constitution of North Carolina declares that the Lieutenant Governor shall preside as President of the Senate. Having been elected to this office by the people of the State on the first Thursday of August, 1872, and having taken and subscribed my oath of office, I appear before you this day at your first meeting since the first day of January, to enter upon the discharge of my official duties.

I deem it due to myself to declare on this occasion, that "with malice towards none and with charity for all," I shall try to act fairly and impartially, knowing no party but what I conscientiously believe to be right, and shall rely upon your kindness and indulgence to cover my errors. My past experience has taught me that it is almost impossible for the presiding officer of a legislative body, composed, of course, of so many different minds and opinions, to give entire satisfaction on all occasions. But it will be my constant aim and desire to act according to parliamentary laws and decisions and the rules of order for the government of the Senate.

As you were in session for about one month before your late recess, you are informed of the situation of our public

affairs and the financial condition of the State, and you may rely upon my cordial co-operation in support of all wise and judicious measures tending to promote the happiness and prosperity of the people.

The public institutions of the State should receive the careful attention of the Legislature. The Institutions for the Deaf and Dumb and the Blind, the Asylum for the Insane, and also the Penitentiary, are all supported by the tax-payers of the State, and it is the duty of the Legislature to properly investigate the management of these institutions, and to allow no injustice or oppression, no favoritism or partiality to be wrongfully practiced by any of their managers or employees.

Let us faithfully attend to the educational interests and necessities of the children of the State. Let us provide necessary and proper means for the cultivation of the intellect and the improvement of the minds and morals of the rising generation. Our Constitution wisely provides "for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years."

Our present free school law is deficient and needs emendation and improvement. I believe in the truism that "morality and intelligence are the only sure basis of our government." A well educated and Christian people are always prepared and qualified to guard and protect their rights and liberties.

The main object of wise legislation should be to correct the errors of the past, and to pass such laws for the future as experience and the necessities of the times may point out to be judicious, necessary and proper.

In all legislation reckless prodigality and wasteful extravagance are injurious to the best interests of the people and should be avoided as much as possible.

Economy forms one of the prominent virtues and duties of a republican government. It does not consist, however,

in withholding from faithful public service a just compensation; neither does it consist in according with parsimonious hands in providing for the public necessities. But it consists in closing every unnecessary drain on the public treasury; and also, for the same purpose, there is strenuously required a judicious application of the appropriations to their objects and a vigorous execution of the laws regarding them.

North Carolina has within her borders all the elements of a great State. But her vast agricultural and mineral resources are not yet fully developed. Her people are chiefly engaged in the cultivation of the soil; that vocation which was truly said by George Washington to be "the most healthful, the most useful and the noblest employment of man." Agriculture, commerce, manufacture and the mechanic arts are the great sources of our national and State prosperity. They should be properly encouraged by wise and judicious legislation.

It is a fixed principle in our government which cannot be too closely adhered to in practice, nor too often repeated, that it was instituted to promote the welfare of the people; that those who make and those who carry into effect the laws are but their agents, and that to generate any distinct interest between the people and their government is incompatible with this principle, and was never contemplated by the framers of our Constitution.

A perfect tolerance of political opinion and freedom in the exercise of the elective franchise are indispensable; for a government based on public opinion becomes impaired when intolerance and lawless control of the right of suffrage withdraw from it that support; and we should bear in mind that, while under the imperative republican principle the will of the majority is to prevail in all cases, yet that "the minority possess rights, to violate which would be oppression."

Opposition to political measures should rather be invited

than deprecated, for in laudable opposition there may be found security from error; nor should it be forgotten that "every difference of opinion is not a difference of principle," and that, as citizens of the same republic, we are all equally interested in the honor, welfare and happiness of our common country.

I congratulate you, Senators, and the people of North Carolina, upon an era of good feeling which has dawned upon the country and the calm which has followed our State and national elections of 1872. It shows the wisdom, virtue and efficacy of our republican constitutions and laws, when six millions of voters in the United States can go peaceably to the omnipotent ballot-box, without any force, fear, or intimidation, and cast their votes for the men of their choice.

Differences of opinion in relation to the affairs of government may be conducive in the end to the discovery of truth, and a frank investigation of matters of public importance ought never to be discouraged. But I think that well-meaning and sober-minded men will agree that there has been too much passion and too little reason; too much party and too little regard for principle; and that in examining the acts of our public servants, there has sometimes been a fearful disregard of truth and justice. Let us hope for more generosity and charity hereafter. With no vain regrets for the past, let us look hopefully forward to the rewards of the future. Let us try to promote the further development of our vast and various resources, and improve the credit of our State. Let us try to keep step with the progressive spirit of the times, and the onward march of events, and show to the world that we have not lived entirely in vain in the latter part of the nineteenth century. Let us try to preserve untarnished the honor of North Carolina. Let her bright escutcheon never be stained with the foul blot of Punic faith. It has been well and wisely said, that "private credit is wealth—public honor is security. The feather that adorns the royal bird supports his flight; strip him of his plumage,

and you fix him to the earth." May our State continue to advance and improve in all respects until it may be truly said of her, "her ways are ways of pleasantness, and all her paths are peace." Let us try to serve her according to the measure of our abilities and the best lights of our understanding. Let us remember that we have a country to serve instead of a party to obey.

"Let names and sects and parties fall,  
And public good be all in all."

A quorum of all the Senators elect being present, the Journal of the 19th of December, was read.

A message was received from the His Excellency, the Governor, which was read, and on motion of Mr. Norwood, was referred to a select committee of three with leave to said committee to sit immediately.

The Chair designated Messrs. Norwood, Flemming and Respass as the committee.

A communication was received from the State Geologist, which on motion of Mr. Flemming, was referred to the Committee on Internal Improvements.

On motion of Mr. Dunham, Mr. Morehead, of Guilford, was added to the Committees on Judiciary and Education.

A message was received from the House of Representatives informing the Senate that the House was ready for the transaction of business.

The Chair designated Mr. Dunham as the Senate branch of the Joint Select Committee to Cancel Vouchers in the State Treasury.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Ellis, of Catawba—A bill to be entitled an act to amend an act entitled an act to incorporate the village of Excelsior, in the county of Burke. To the Committee on Judiciary.

By Mr. Waring—A bill to be entitled an act incorporat.

ing the City Hall Company of Charlotte, North Carolina. To the Committee on Corporations.

By the Select Committee on Light Houses—A bill to be entitled an act to amend an act ratified 25th day of January, 1871. Placed on the Calendar.

• The consideration of resolutions being in order, the following named resolutions were acted on as follows :

Senate resolution 4—Resolution in regard to internal revenue. Made special order for 12 M. to-morrow.

Mr. Todd moved that the Senate do now adjourn until to-morrow morning at 11 o'clock. The yeas and nays were ordered on demand of Mr. Worth, and the Senate refused to adjourn. Yeas 13 ; nays 20.

*Affirmative*—Messrs. Allen, Dunham, Harris, Humphrey, Long, McCabe, McCauley, Morehead of Guilford, Powell, Respess, Smith, Todd and Waring—13.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Holloman, King, Mabson, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Walker and Worth—20.

Bills were acted on under a suspension of the rules as follows :

Senate bill 231—A bill to be entitled an act to amend an act ratified 25th day of January, 1871. Read and passed second and third times. Yeas 35 ; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Holloman, Humphrey, King, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Respess, Scott, Smith, Stafford, Todd, Walker, Waring and Worth—35.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following named bills and resolutions, reported as

correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State.

Resolution in regard to Burke Square.

Resolution for reassessment and valuation of Wilmington, Columbia and Augusta Railroad.

Bills on second reading were acted on, as follows :

Senate bill 16—A bill to be entitled an act amendatory of an act to consolidate the school laws and provide for a system of public instruction. The bill was read.

Mr. Ellis, of Columbus, moved that the bill lie upon the table. The yeas and nays were ordered on demand of Mr. Cowles, and the motion to lay upon the table prevailed.

Yeas 28 ; nays 6.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Holloman, Long, Mabson, McCabe, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Powell, Respess, Scott, Smith, Stafford, Walker, Waring and Worth—28.

*Negative*—Messrs. Cowles, Humphrey, King, McCauley, McCotter and Todd—6.

Senate bill 36—A bill to be entitled an act in relation to depositions. The bill was read.

The amendment in the nature of a substitute offered by the Judiciary Committee prevailed.

The Senate then adjourned until to-morrow morning at 11 o'clock.

## THIRTIETH DAY.

SENATE CHAMBER, January 16, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Morehead, of Guilford, presented a "memorial of the Good Templars of Greensboro," which was read and referred to the Committee on Propositions and Grievances.

Mr. Respass presented a "petition from certain citizens to amend an act relating to the establishment of the county of Pamlico," which was read and referred to the Committee on Propositions and Grievances.

A message was received from His Excellency, the Governor, covering a communication from the Superintendent of Public Instruction.

On motion of Mr. Humphrey, it was ordered that 220 copies of the message and accompanying documents be printed for the use of the Senate.

A message was received from the House of Representatives transmitting a report from the Joint Select Committee on the Compilation of the Public Laws.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Humphrey—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company. To the Committee on Internal Improvements.

A bill to be entitled an act to protect the tax-payers of North Carolina and to save the public works. To the Committee on Judiciary.

By Mr. Respass—A bill to be entitled an act to amend chapter 136, laws 1871-'72. To the Committee on Judiciary.

By Mr. Dunham—A bill to be entitled an act to amend an "act to prescribe the practice and procedure in actions by

creditors of deceased persons against their personal representatives," ratified the 12th day of February, A. D. 1872. To the Committee on Judiciary.

By Mr. Nicholson—A bill to be entitled an act to define the powers and duties of county surveyors. To the Committee on Judiciary.

By message from the House of Representatives—House bill 172—A bill to be entitled an act to repeal chapter 146 of the laws of 1870-'71, entitled an act to construct a road through the county of Ashe. To the Committee on Propositions and Grievances.

House bill 161—A bill to be entitled an act to authorize the commissioners of Halifax county to levy a special tax, and for other purposes. To the Committee on Judiciary.

House bill 141—A bill to be entitled an act to amend section 45, chapter 199 of the public laws of 1871-'72. To the Committee on Judiciary.

House bill 126—A bill to be entitled an act to incorporate the Mechanics' Hose Company of Wilmington, North Carolina. To the Committee on Corporations.

House bill 163—A bill to be entitled an act to empower the commissioners of Caldwell county to sell certain lands. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Morehead, of Guilford—Resolution in regard to school fund. Adopted.

By Mr. Avera—Resolution fixing the hours for the meeting and adjournment of the daily sessions of the Senate from and after Monday next.

Mr. Dunham moved to lay the resolution on the table.

The yeas and nays were ordered on demand of Mr. King, and the motion to lay upon the table did not prevail. Yeas 14; nays 26.

*Affirmative*—Messrs. Allen, Dunham, Ellis of Columbus,

Eppes, Flemming, Long, Mabson, McCabe, McCotter, Morehead of Guilford, Powell, Scott, Smith and Waring—14.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Harris, Hill, Holloman, Horton, Humphrey, Hyman, King, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Respass, Stafford, Todd, Walker and Worth—26.

Mr. Merrimon moved to amend by striking out all after the words 10 A. M.

Mr. Waring moved to amend by striking out “ten” and inserting “eight,” and the question recurring thereon, the yeas and nays were ordered on demand of Mr. Allen, and the amendment prevailed. Yeas 28; nays 12.

*Affirmative*—Messrs. Allen, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Merrimon, Miller, Murphy, Murray, Morehead of Guilford, Nicholson, Powell, Smith, Stafford, Todd, Walker and Waring—28.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Eppes, Harris, Horton, Humphrey, Morehead of Rockingham, Norwood, Respass, Welch and Worth—12.

Mr. Dunham moved to amend by inserting 4:30 P. M. instead of 1:30 P. M. as the hour of adjournment.

Mr. Worth moved to lay the resolution on the table.

The motion to lay on the table prevailed.

At 12 M. the Senate proceeded to consider Senate resolution 233—Resolution instructing public printer, it being the special order for that hour. The resolution was made special order for 11 A. M. of Saturday, 18th January, 1873.

The Senate then proceeded to the consideration of the next special order—Senate resolution 4—Resolution in regard to internal revenue. Recommended to the Committee on Judiciary.

The Senate then proceeded to consider the unfinished

business of yesterday, to-wit—Senate bill 36—A bill to be entitled an act in relation to depositions.

The question recurring on the passage of the bill on its second reading, the bill passed second time.

A message was received from His Excellency, the Governor, covering a petition from certain citizens of Burke county, which was referred to the Committee on Insane Asylum.

¶ Bills on second reading were acted on as follows :

Senate bill 39—A bill to be entitled an act to repeal section 7 of chapter 185, laws of 1871-'72. Read and rejected.

Senate bill 61—A bill to be entitled an act in relation to mills. Read and rejected.

Senate bill 72—A bill to be entitled an act in relation to the office of the sheriff of Yancey. Read and passed second time.

Senate bill 76, House bill 4—A bill to be entitled an act for the relief of sheriffs and tax collectors. Read second time, and on motion of Mr. Ellis of Columbus, was re-referred to the Committee on Propositions and Grievances.

Senate bill 77, House bill 5—A bill to be entitled an act to cure certain defects in the registration of deeds, &c., in the county of Buncombe. Read and passed second time.

Senate bill 78, House bill 2—A bill to be entitled an act to repeal chapter 89, laws of 1871-'72. Read and passed second time.

Senate bill 79, House bill 24—A bill to be entitled an act to exempt the counties of Ashe, Watauga, Alleghany, Jackson and Swain, from the provisions of chapter 142, of the law of 1869-'70, entitled an act to prevent the seining for and shooting trout in the counties west of the Blue Ridge. The bill was read second time.

Mr. Cowles moved to amend by inserting "Surry" after the word "Swain." The amendment prevailed, and the bill passed second time.

Senate bill 90—A bill to be entitled an act to prevent the

fellings of trees in Haw River and its tributaries. The bill was read second time. The amendment offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time.

On motion, the rules were suspended, and the bill was read and passed third time. Yeas 37; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Hill, Hollomon, Horton, Hyman, King, Long, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth.  
—37.

*Negative*—0.

Senate bill 84—A bill to be entitled an act to fix venue in cases of corporations. Read second time and rejected.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act ratified the 25th day of January, 1871.

Resolution in regard to Burke Square.

Resolution for reassessment and valuation of the Wilmington, Columbia and Augusta Railroad.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 231—A bill to be entitled an act to amend an act ratified the 25th day of January, 1871.

Senate bill 110—A bill to be entitled an act to amend the act incorporating the town of Mount Olive, in Wayne county.

Senate bill 81—A bill to be entitled an act to allow the

owners of Catawba toll bridge to list it for taxes, and for other purposes, in the county of Catawba.

On motion of Mr. Mabson, Mr. Harris was added to the Committee on Education.

The Senate then adjourned until to-morrow at 11 o'clock.

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### THIRTY-FIRST DAY.

SENATE CHAMBER, January 17, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Stilley presented a petition from citizens of Beaufort county, Pamlico township, opposing any new county action, which was read and referred to the Committee on Propositions and Grievances.

The Chair designated Messrs. Morehead of Guilford, Welch and King as the Senate branch of the Joint Select Committee on Immigration.

Mr. Merrimon, at his own request, was excused from service on the Joint Select Committee on Constitutional Reform, and the Chair thereupon designated Mr. Morehead of Guilford, to fill the vacancy on said committee.

Indefinite leave of absence was granted to Mr. Chamberlain.

Reports from standing committees were submitted as follows:

From the Committee on Judiciary:

By Mr. Allen—Senate bill —, House bill 159—A bill to be entitled an act to make the enticing of minors to leave their homes without consent of guardians or parents a misdemeanor, with a recommendation that it do pass.

Senate bill 203—A bill to be entitled an act to amend section 10 of chapter 42, laws of 1870-'71, entitled "An act

to suspend the Code of Civil Procedure in certain cases," with a recommendation that it do not pass.

From the Committee on Internal Improvements:

By Mr. Morehead of Rockingham—Senate bill —, A bill to be entitled an act to incorporate the Midland North Carolina Railway Company, with accompanying amendments.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. McCotter—A bill to be entitled an act to amend an act incorporating the town of Farmville, in Pitt county. Placed on the Calendar.

By Mr. Nicholson—A bill to be entitled an act to amend chapter 71 of the public laws of 1871-'72. To the Committee on Judiciary.

By Mr. Respass—A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Concord Church, in Beaufort county. To the Committee on Propositions and Grievances.

By Mr. Stilley—A bill to be entitled an act to provide for a special rate of interest. To the Committee on Propositions and Grievances.

A bill to be entitled an act to incorporate the North and South Air-Line Railroad Company. To the Committee on Internal Improvements.

By Mr. Allen—A bill to be entitled an act to amend an act entitled "An act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company." To the Committee on Insurance.

By Mr. Powell—A bill to be entitled an act in relation to fees of justices of the peace and constables. To the Committee on Propositions and Grievances.

By Mr. Powell—A bill to be entitled an act for the relief of John G. Williams. To the Committee on Claims.

By Mr. Avera—A bill to be entitled an act to incorporate

the town of Selma, in the county of Johnston. To the Committee on Corporations.

By message from the House of Representatives—House bill 104—A bill to be entitled an act concerning the town of Goldsboro, in Wayne county. Placed on the Calendar.

By Mr. Cunningham—A bill to be entitled an act to amend chapter 185, laws of 1868-'69, entitled "An act concerning townships." To the Judiciary Committee.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring—Resolution in regard to the Insane Asylum. Laid over under the rules.

By Mr. Humphrey—Resolution of instruction to the Judiciary Committee. Adopted.

By Mr. Respass—Resolution raising a joint committee to examine and cancel vouchers and coupons in the Auditor's office. Laid over under the rules.

By Mr. Murray—Resolution of instruction to Judiciary Committee. Adopted.

By Mr. Merrimon—Resolution in favor of Hon. James L. Henry, Judge of the Eleventh Judicial District. Passed first time.

By Mr. Flemming—Resolution of inquiry as to the feasibility of establishing a Bureau of Statistics, Agriculture and Immigration. Adopted.

Mr. Murphy, by consent, submitted a report from the Committee on Insurance on Senate bill 260—A bill to be entitled an act to amend an act entitled "An act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company," recommending the passage of the same.

Bills on third reading were acted on as follows:

Senate bill 72—A bill to be entitled an act in relation to the office of sheriff of Yancey. The bill was read third time. The amendment proposed by the Committee on

Judiciary prevailed and the bill passed third time. Yeas 34; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Holloman, Horton, Long, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—34.

*Negative*—0.

Senate bill 78, House bill 2—A bill to be entitled an act to repeal chapter 89, laws of 1871-'72. Read and passed third time. Yeas 35; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Gudger, Horton, Hyman, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—35.

*Negative*—0.

Senate bill 77, House bill 5—A bill to be entitled an act to cure certain defects in the registration of deeds, &c., in the county of Buncombe. Read and passed third time. Yeas 34; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Holloman, Horton, Humphrey, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—34.

*Negative*—0.

Senate bill 79, House bill 24—A bill to be entitled an act to exempt the counties of Ashe, Watauga, Alleghany, Jack-

son and Swain from the provisions of chapter 142 of the laws of 1869-'70. The bill was read.

Mr. Cowles moved to amend by striking out the word "Surry." The amendment prevailed and the bill passed third time. Yeas 33; nays 3.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respess, Scott, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—33.

*Negative*—Messrs. Eppes, Long and Morehead of Rockingham—3.

Senate bill 36—A bill to be entitled an act in relation to depositions. Read and passed third time. Yeas 30; nays 1.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Horton, Humphrey, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Mr. Respess—1.

Bills were acted on under a suspension of the rules as follows :

Senate bill 267—A bill to be entitled an act to amend an act incorporating the town of Farmville, in Pitt county. Read and passed second and third time. Yeas 40; nays 0.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, King, Long, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Res-

pass, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—40.

*Negative*—0.

Senate bill —, House bill 104—A bill to be entitled an act concerning the town of Goldsboro, in the county of Wayne. Read and passed second time. Read third time, and on motion of Mr. Humphrey, referred to the Judiciary Committee.

Senate bill 266—A bill to be entitled an act to incorporate the North Carolina Midland Railway Company. Made special order for 12 M. to-morrow.

Senate bill 260—A bill to be entitled an act to amend an act entitled an "Act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company." Read and passed second and third times.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Powell, Respass, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—41.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Bills on second reading were acted on as follows:

Senate bill 91—A bill to be entitled an act to prescribe the duties of Judges of the Superior Courts. Read and rejected.

Senate bill 73—A bill to be entitled an act prohibiting the sale of intoxicating liquor within two miles of Christian Delight Church, in Beaufort county. Read and passed second time.

Senate bill 126, House bill 23—A bill to be entitled an

act to repeal chapter 68 of the laws of 1871-'72. Read and passed second time.

Senate bill 82—A bill to be entitled an act in relation to registration of deeds. Laid on the table.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of certain school teachers.

An act to amend an act entitled an act to enable any persons, not less than three, to become incorporated, &c.

Resolutions in regard to the pensions of soldiers of the war of 1812.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition of the House to raise a Joint Select Committee on Immigration, &c., and designating Messrs. Morehead of Guilford, Welch and King as the Senate branch of said committee.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 260—A bill to be entitled an act to amend an act entitled an "Act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company."

Mr. Merrimon moved to suspend the rules and put Senate resolution 268—Resolution in favor of Hon. James L. Henry, Judge of the Eleventh Judicial District, upon its second and third readings.

Mr. Respass rose to the following point of order: That as the resolution directed the Treasurer of the State to pay out money, the 16th section of article II. of the Constitution of the State required the three several readings to be had, on three different days; and further required the yeas and

nays on the second and third readings to be taken and entered on the Journal.

The Chair decided that in accordance with the decision of the former presiding officers of this body, section 16 of article II. of the Constitution, was not applicable to resolutions of this character, and that the point of order was therefore not well taken.

The question recurring on the motion of Mr. Merrimon to suspend the rules, the motion prevailed, and thereupon,

Senate resolution 268—Resolution in favor of Hon. James L. Henry, Judge of the Eleventh Judicial District, was read and passed second and third times. Yeas 38 ; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Hollomon, Horton, Humphrey, Hyman, Long, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth.  
—38.

*Negative*—Messrs. McCauley and Respass—2.

The resolution was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Senate then adjourned until 11 o'clock A. M. to-morrow.

## THIRTY-SECOND DAY.

SENATE CHAMBER, January 18, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Cunningham presented a memorial from the commissioners of Warren county, which was referred to the Committee on Propositions and Grievances.

A message was received from His Excellency, the Governor, covering an act to restore the credit of the State.

On motion of Mr. Stilley, it was ordered that the message and bill be printed.

Mr. Morehead, of Rockingham, moved that the vote by which the message and bill was ordered to be printed, be reconsidered. The motion prevailed.

Thereupon on motion of Mr. Merrimon, the message and bill was referred to the Joint Select Committee on State Debt and Liabilities.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Allen—Senate bill —A bill to be entitled an act to abolish capital punishment.

Senate bill 190—A bill to be entitled an act in relation to attorneys at law, with recommendations that they do not pass.

Senate bill —A bill to be entitled an act to amend chapter 185, laws of 1868-'69, entitled "an act concerning townships," with a recommendation that it do pass.

Senate bill —House bill 104—A bill to be entitled an act concerning the town of Goldsboro, in Wayne county, with accompanying amendment.

From the Committee on Agriculture:

By Mr. Norwood—Senate bill 147, House bill 45—A bill

to be entitled an act to repeal section one of an act for the better protection of oysters and terrapins in the waters of North Carolina, with a recommendation that it do pass.

Senate resolution 210—Resolution of instruction to the Committee on Agriculture.

Senate resolution —Resolution of inquiry into the feasibility of establishing a Bureau of Statistics, Agriculture and Immigration, with a recommendation that no action be taken under said resolution. The report was concurred in.

From Committee on Corporations :

By Mr. Welch—Senate bill 18—A bill to be entitled an act to amend chapter 199 of the laws of 1871-'72.

Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company of Charlotte, North Carolina.

Senate bill 244, House bill 126—A bill to be entitled an act to incorporate the Mechanics' Hose Company of Wilmington, North Carolina, with recommendations that they do not pass.

Senate bill 182—A bill to be entitled an act to incorporate the Neuse River Ferry Company of North Carolina, with accompanying amendment.

Senate bill —A bill to be entitled an act to incorporate the Edgecombe Female Seminary, with a recommendation that it do pass.

Mr. Dunham, from the Joint Select Committee to Cancel Vouchers remaining in the Treasury Department, reported that said committee had performed the duty required of them.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Powell—A bill to be entitled an act to amend the charter of the Cape Fear Iron and Steel Company. To the Committee on Internal Improvements.

By Mr. McCauley—A bill to be entitled an act to incor-

porate Mount Prospect Camp Ground in the county of Union. To the Committee on Corporations.

By Mr. Cowles—A bill to be entitled an act to amend sections 35 and 43 of chapter 193 of the acts of 1871-'72. To the Committee on Judiciary.

By Mr. Barnhardt—A bill to be entitled an act to encourage manufacturing and the improvement of water powers and to amend chapter 158, laws of 1868-'69. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Powell—Resolution of instruction to our Senators in Congress in regard to the education bill now pending in the Senate of the United States. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate resolution 256—Resolution in regard to Insane Asylum. To the Committee on Insane Asylum.

Senate resolution 236—A bill to be entitled an act to amend an act entitled "an act to incorporate the village of Excelsior, in the county of Burke." The bill was read second time. The amendment, in the nature of a substitute, submitted by the Committee on Judiciary, prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 33; nays 6.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, Merrimon, Miller, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Scott, Stafford, Stilley, Todd, Walker, Welch and Worth—33.

*Negative*—Messrs. Cowles, Cunningham, Dunham, Hyman, Morehead of Rockingham, and Smith—6.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit:

Senate bill 266—A bill to be entitled an act to incorporate the North Carolina Midland Railway Company. The bill was read second time.

The question recurring on the amendments offered by the Committee on Internal Improvements, on motion of Mr. Murphy, a division of the question was ordered.

The question then recurring on the amendment offered by the committee, striking out in section 6 lines 37 to 47 inclusive, beginning with the words, "The owners," and ending with the words "of this law," it prevailed.

The question next recurring on the amendment offered by the said committee, striking out in section 15 lines 31 to 42 inclusive, beginning with the words, "as a further," and ending with the words, "the ratification hereof." It also prevailed.

The question then recurring on the passage of the bill the second time Mr. Ellis, of Columbus, moved that the bill be made special order for 11½ o'clock A. M. on Friday next, and that the bill be printed.

Mr. Respass moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on its passage, the bill passed second time.

The rules having been suspended for that purpose, Mr. Humphrey moved that the bill be made special order for 11½ o'clock A. M. on Friday next, and ordered to be printed.

On motion of Mr. Murphy, a division of the question was ordered.

The question first recurring on the motion to make the bill special order for 11½ o'clock A. M. on Friday next, it prevailed.

The question recurring on the motion to print, the yeas and nays were ordered on demand of Mr. Stafford, and the motion prevailed. Yeas 28; nays 12.

*Affirmative*—Messrs. Allen, Barnhardt, Cowles, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flem-

ming, Gudger, Harris, Humphrey, Hyman, Long, McCabe, McCauley, McCotter, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Powell, Respass, Scott, Stille, Todd, Welch and Worth—28.

*Negative*—Messrs. Cunningham, Davis, Hill, Holloman, Horton, Merrimon, Miller, Nicholson, Norwood, Smith, Stafford and Walker—12.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend chapter 18 private laws of 1870-'71, being an act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company, ratified the 16th day of February, 1871.

An act to repeal chapter 89, laws of 1871-'72.

An act to exempt the counties of Ashe, Watauga, Alleghany, Jackson and Swain from the provisions of chapter 142, laws of 1869-'70.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 36—A bill to be entitled an act in relation to depositions.

Senate resolution 268—Resolution in favor of James L. Henry, Judge of the Eleventh Judicial District.

Senate bill 92—A bill to be entitled an act to authorize the Carolina Narrow Gauge Railroad Company to consolidate with the Chester and Lenoir Narrow Gauge Railroad Company in South Carolina.

Senate bill 46—A bill to be entitled an act to amend an act to incorporate the Wilmington Mutual Insurance Company.

The Senate adjourned until 11 o'clock Monday morning.

## THIRTY-THIRD DAY.

SENATE CHAMBER, January 20, 1872.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Mr. Ellis, of Columbus, presented a memorial from citizens of Bladen county, praying a change of the county line between the counties of Bladen and Columbus, which was read and referred to the Committee on Propositions and Grievances.

Mr. Hill presented from citizens of Brunswick county, praying for the incorporation of the "Shallotte Baptist Church," which was read and referred to the Committee on Propositions and Grievances.

Mr. Stilley presented a petition from certain citizens of Beaufort county, which was read and referred to the Committee on Propositions and Grievances.

Mr. McCauley presented a petition from citizens of Union county, which was referred to the Committee on Corporations.

Mr. Ellis, of Columbus, presented a petition from certain citizens of Robeson county, which was referred to the Committee on Claims.

Reports from standing committees were then submitted as follows:

From the Committee on Internal Improvements:

By Mr. Gudger—Senate bill 197—A bill to be entitled an act to recharter the Hickory Nut Turnpike Company, with a recommendation that it do not pass.

From the Committee on Insane Asylum:

By Mr. Ellis, of Columbus—Senate resolution 256—Resolution in regard to Insane Asylum, with accompanying amendment.

The following named bills were introduced, read and

passed first time, and were referred or otherwise disposed of, as follows :

By Mr. McCauley—A bill to be entitled on act in relation to the fees of registers of deeds and justices of the peace. To the Committee on Propositions and Grievances.

By McCabe—A bill to be entitled an act to authorize the sheriff of Edgecombe county to collect arrears of taxes. To the Committee on Propositions and Grievances.

By Mr. Cramer—A bill to be entitled an act to amend an act to provide a cheap chattel mortgage. To the Committee on Judiciary.

By Mr. Welch—A bill to be entitled an act providing for the biennial election of officers of the General Assembly and prescribing their duties. To the Committee on Judiciary.

By message from the House of Representatives—House bill 93—A bill to be entitled an act to incorporate the Northern and Southern Telegraph Company. To the Committee on Corporations.

House bill 11—A bill to be entitled an act to incorporate the town of Rockingham, in the county of Richmond. To the Committee on Corporations.

House bill 135—A bill to be entitled an act amendatory of an act entitled an act to lay off the homestead and personal property exemptions, ratified 7th day of April, 1869. To the Committee on Judiciary.

House bill 107—A bill to be entitled an act to make Neuse River a lawful fence. To the Committee on Propositions and Grievances.

House bill 221—A bill to be entitled an act to allow enterers of vacant lands to obtain grants. To the Committee on Propositions and Grievances.

House bill 212—A bill to be entitled an act to change the name of the town of Boon Hill, in Johnston county, to Princeton, and prohibit the sale of liquors therein. To the Committee on Propositions and Grievances.

House bill 108—A bill to be entitled an act amendatory

of the act of the 21st of December, 1871, concerning the appointment of Judges to hold special terms. To the Committee on Judiciary.

House bill 79—A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances. To the Committee on Propositions and Grievances.

By Mr. Troy—A bill to be entitled an act to authorize the Western Railroad Company to issue bonds. To the Committee on Judiciary.

By message from the House of Representatives—House bill 140—A bill to be entitled an act to incorporate King Solomon Lodge, No. 313, Free and Accepted Masons, of Robeson county. To the Committee on Corporations.

Mr. Merrimon moved that a message be sent to the House of Representatives proposing to raise a joint select committee, to consist of three on the part of the Senate, and five on the part of the House, on joint rules of order. The motion prevailed.

The following named resolutions were introduced, read and disposed of as follows :

By message from the House of Representatives—House resolution 68—Resolution in relation to the public library. Referred to the Committee on the Library.

House resolution 118—Resolution of inquiry addressed to the Attorney General. Referred to the Committee on Public Buildings and Grounds.

House resolution 114—Resolution concerning joint rules of order. Referred to the Joint Select Committee on Rules of Order.

House resolution 119—Resolution of instruction to the Committee on Public Buildings, &c. Referred to the Committee on Public Buildings and Grounds.

House resolution 112—Resolution of instruction to the Committee on Penal Institutions. Referred to the Committee on Penal Institutions.

By Mr. Merrimon—Resolution on adjournment. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 64—A bill to be entitled an act defining the duties of Judges of Superior Courts in certain cases. Taken up and referred to the Committee on Judiciary.

Senate bill 270, House bill 159—A bill to be entitled an act to make the enticing of minors to leave their homes without consent of guardian or parent a misdemeanor. The bill was read second time.

Mr. Cowles moved to amend by inserting the words "knowingly and wilfully." The amendment did not prevail.

Mr. Gudger moved to amend, as follows: Strike out in section 2 all after the word "fined," and insert in lieu thereof "not exceeding fifty dollars, and imprisoned not exceeding one month." The amendment prevailed.

The question recurring on its passage the bill passed second time.

On motion, the bill was recommitted to the Judiciary Committee, with instructions to report to-morrow morning.

Senate bill 87—A bill to be entitled an act to incorporate the North Carolina Construction Company. The bill was read second time.

Mr. Troy moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment proposed by the Committee on Corporations, it prevailed.

The question next recurring on the passage of the bill, the yeas and nays were ordered on demand of Mr. Murphy, and the bill was rejected. Yeas 14; nays 24.

*Affirmative.*—Messrs. Cramer, Flemming, Grandy, Gudger, Harris, Holloman, Hyman, McCotter, Murphy, Respass, Seymour, Smith and Welch—14.

*Negative.*—Messrs. Allen, Barnhardt, Cowles, Cunningham,

Davis, Dunham, Ellis of Columbus, Horton, Mabson, McCabe, McCauley, Merrimon, Miller, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Scott, Stafford Troy, Walker, Waring and Worth—24.

Senate bill 170—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, Cleveland county. The bill was read the second time.

Mr. Miller moved to amend by inserting first day of March in lieu of the first of January. The amendment prevailed and the bill passed second time. The bill was read third time.

Mr. Waring moved to amend by inserting the following :

*Provided further*, That this act shall not be so construed as to prevent the sale of spirituous liquors at the Cleaveland Springs.

The amendment prevailed, and the question recurring on its passage, the bill passed third time. Yeas 32 ; nays 6.

*Affirmative*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, Merrimon, Miller, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Scott, Stafford, Stilley, Troy, Waring, Welch and Worth—32.

*Negative*—Messrs. Cowles, Dunham, Hyman, Seymour, Smith and Walker—6.

Mr. Allen moved to reconsider the vote by which Senate bill 87—A bill to be entitled an act to incorporate the North Carolina Construction Company was rejected on its second reading. The motion prevailed, and the bill was thereupon recommitted to the Committee on Internal Improvements.

Senate bill 278—A bill to be entitled an act to amend chapter 185, laws of 1868-'69, entitled "An act concerning townships." Read and passed second and third times. Yeas 39 ; nays 0.

*Affirmative*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Fleming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Mabson, McCabe, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Morehead of Guilford, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Smith, Stafford, Stilley, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—0.

The consideration of resolutions being in order, the following named resolutions were acted on as follows :

Senate resolution 281—Resolution of instruction to our Senators in Congress in regard to the education bill now pending in the Senate of the United States. Adopted.

Senate resolution 271—Resolution raising a Joint Committee to Cancel Vouchers and Coupons in the Auditor's office. The resolution was read.

Mr. Respass moved to amend by inserting the word "bond" before the word "coupons." The amendment prevailed, and the resolution was adopted.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, covering a report from the Superintendent of Public Instruction, which was read and referred to the Committee on Education.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 72—A bill to be entitled an act in relation to the office of sheriff of Yancey.

Senate bill 236—A bill to be entitled an act to amend an act to incorporate the town of Excelsior, in the county of Burke.

Senate bill 90—A bill to be entitled an act to prevent the felling of trees in Haw River and its tributaries.

The Senate adjourned until to-morrow at 11 o'clock.

## THIRTY-FOURTH DAY.

SENATE CHAMBER, January 21, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of yesterday was read.

Mr. Merrimon presented a petition from certain citizens of Asheville and vicinity, concerning the sale of the Western North Carolina Railroad Company, which was referred to the Committee on the Sale of the Western North Carolina Railroad.

Reports from standing committees were submitted as follows:

From Committee on Corporations:

By Mr. Welch—Senate bill 257—A bill to be entitled an act to incorporate the town of Selma, in the county of Johnston, with an amendment in the nature of a substitute.

By Mr. Price—Senate bill 17—A bill to be entitled an act authorizing the county commissioners of the county of Davidson to sell at public sale public grounds in the town of Lexington, the proceeds of the same to be applied to the liquidation of the debt of said county, with a recommendation that it do not pass.

From the Committee on Internal Improvements:

By Mr. Cowles—Senate bill 262—A bill to be entitled an act to incorporate the North and South Air-Line Railroad Company, with accompanying amendments.

From the Committee on Claims:

By Mr. Troy—Senate resolution 116—Resolution in favor A. McQueen, of Robeson county, with a recommendation that it do pass.

Senate bill 308—A bill to be entitled an act for the relief of John G. Williams, with accompanying amendment.

From the Committee on Judiciary:

By Mr. Allen—Senate bill 270, House bill 159—A bill to be entitled an act to make the enticing of minors to leave their homes without consent of guardian or parent a misdemeanor, with a recommendation that it do pass.

By Mr. Flemming—Senate bill 265—A bill to be entitled an act to amend chapter 71 of the public laws of 1871-'72, with a recommendation that it do pass.

By Mr. Merrimon—Senate bill 192, House bill 40—A bill to be entitled an act to amend an act entitled "an act to provide the procedure in special proceedings generally," &c., and for other purposes, with a recommendation that it do pass.

Senate bill 223—A bill to be entitled an act in relation to bringing of suits in *forma pauperis*, with accompanying amendments.

Senate bill 166—A bill to be entitled act to amend subchapter 15 of chapter 178, laws 1868-'69, with a recommendation that it do not pass.

By Mr. Grandy—Senate bill 37—A bill to be entitled an act to incorporate Square Stone Lodge, No. 10, Ancient York Masons, of the town of Warrenton, with a recommendation that it do pass.

By Mr. Scott—Senate bill 250—A bill to be entitled an act to amend chapter 93 of the public laws of 1871-'72, with a recommendation that it be referred to the Committee on State Debt and Liabilities. Report concurred in.

Senate bill 191, House bill 48—A bill to be entitled an act relative to fees of county officers, with a recommendation that it do pass.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 170—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Shelby, Cleveland county.

Senate bill 278—A bill to be entitled an act to amend chapter 185, laws of 1868-69, entitled "an act concerning townships."

Senate resolution 281—Resolution of instruction to our Senators in Congress in regard to the education bill now pending in the Senate of the United States.

Senate resolution 271—Resolution to raise a Joint Committee to Examine and Cancel Vouchers and Coupons in the Auditor's office.

Mr. Norwood, from the Joint Select Committee on State Debt and Liabilities, submitted a report on the message on draft of a bill on that subject from the Governor asking to be relieved from further consideration of the same. The committee was discharged.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives—House bill 165—A bill to be entitled an act to incorporate the town of Jackson, in Northampton county. To the Committee on Corporations.

House bill 211—A bill to be entitled an act to incorporate the Mechanics' and Laborers' Mutual Aid Society of North Carolina. To the Committee on Corporations.

House bill 118—A bill to be entitled an act to incorporate the Seaton Gales Lodge, No. 64, Independent Order of Odd Fellows, Raleigh, N. C. To the Committee on Corporations.

By Mr. Allen—A bill to be entitled an act for amnesty and pardon. To the Committee on Judiciary.

By Mr. Norwood—A bill to be entitled an act for the improvement of the agriculture of the State. Placed on the Calendar.

By Mr. Avera—A bill to be entitled an act to amend section 45 chapter 199, public laws of 1871-'72. To the Committee on Corporations.

By Mr. Stilley—A bill to be entitled an act to lay off and

establish a new county by the name of Core. To the Committee on Propositions and Grievances.

A bill to be entitled an act supplemental to an act to lay off and establish a new county of Core. To the Committee on Proposition and Grievances.

By Mr. Allen—A bill to be entitled an act to prevent the sale of reversionary estates under execution.

A bill to be entitled an act to amend the law relating to executions. To the Committee on Judiciary.

By Mr. Harris—A bill to be entitled an act amendatory of an act entitled "An act of final jurisdiction of justices of the peace in criminal actions," chapter 4, laws of 1868-'69. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Avera—Resolution in favor of the census-takers for the year 1860. Laid over under the rules.

By Mr. Nicholson—Resolution in relation to the Western North Carolina Railroad. Laid over under the rules.

By Mr. Murphy—Resolution for appointment of a committee to consider and report on chapter 199 public laws of 1871-'72. Adopted.

By message from the House of Representatives—House resolution 127—Resolution of request to our Senators and Representatives in Congress concerning the Indians. Referred to the Committee on Propositions and Grievances.

House Resolution 128—Resolution in regard to repairs on the hall of the House. Referred to the Committee on Propositions and Grievances.

House resolution 86—Resolution of instruction to the Secretary of State, and for other purposes. Referred to the Committee on Propositions and Grievances.

By Mr. Respass—Resolution of instruction to the Committee on Propositions and Grievances, relating to the Secretary of State distributing laws of 1871-'72. Adopted.

Mr. Merrimon moved to reconsider the action of the Senate

on yesterday, whereby it was ordered that a message be sent to the House of Representatives proposing to raise a Joint Select Committee on Joint Rules of Order.

The motion to reconsider prevailed, and the question then recurring on the motion, it did not prevail.

Mr. Merrimon moved also to reconsider the order by which Senate resolution 290, House resolution 114—Resolution concerning joint rules of order, was referred to the Joint Select Committee on Joint Rules of Order. The motion to reconsider prevailed.

On motion, the resolution was thereupon laid on the table.

Bills on third reading were acted on as follows :

Senate bill 134—A bill to be entitled an act prohibiting the sale of spirituous liquors within two miles of Christian Delight Church, in Beaufort county. Read and passed third time. Yeas 35; nays 4.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Stilley, Troy, Walker, Welch and Worth—35.

*Negative*—Messrs. Cowles, Dunham, Hyman and Seymour—4.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 265—A bill to be entitled an act to amend chapter 71 of the public laws of 1871-'72. The bill was read second time.

Mr. Grandy offered the following amendment as an additional section of the bill:

“SEC. 2. That section 5 of said act be amended so as to read as follows: The said committee shall receive such

compensation each for the performance of their duties imposed by this act as may be provided by the board of commissioners of the county."

The amendment prevailed.

Mr. Flemming moved to amend as follows: After the words "county officers" in last line of section 1, add "that section 13 of chapter 20, laws of special session of 1868, be and the same is hereby repealed."

The question recurring on this amendment, the yeas and nays were ordered on demand of Mr. Flemming, and the amendment prevailed. Yeas 35; nays 5.

*Affirmative*—Messrs. Allen, Avera, Barhnardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Horton, Hyman, Long, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Stafford, Troy, Walker, Welch and Worth—35.

*Negative*—Messrs. Eppes, Holloman, Respass, Smith and Stilley—5.

The bill then passed second time. The bill was then read the third time.

Mr. Avera moved the following amendment, which prevailed: Strike out in section 2 all after the word "receive" and insert the following: "Two dollars per day for the time actually engaged."

Mr. Stilley moved to amend the first section by adding thereto the following:

*Provided, however,* That this act shall not apply to Beaufort county.

The amendment prevailed.

Mr. Seymour moved to amend by inserting the words

"or Craven" before the word "county" in the last line of section 1.

Mr. Gudger moved to amend the amendment by adding thereto the words "or Yancey."

The question recurring on the amendment to the amendment, it prevailed.

The question recurring on the amendment offered by Mr. Seymour, it prevailed.

Mr. Eppes moved to amend the first section by inserting the word "Halifax" before the word "county" in the last line thereof.

Mr. Flemming moved that the bill lie upon the table, and the question recurring thereon, the motion to lay upon the table prevailed.

Senate bill 318—A bill to be entitled an act for the improvement of the agriculture of the State. Taken up and made special order for 12 M. of the 28th of January, 1873.

Senate bill 275—A bill to be entitled an act to incorporate the Edgecombe Female Seminary. Read and passed second and third times. Yeas 39; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Smith, Stafford, Stilley, Troy, Walker, Welch and Worth—39.

*Negative*—0.

Mr. Troy moved to reconsider the vote just had by which the bill passed third time. The motion prevailed. The bill was thereupon made special order for to-morrow at 12 M.

Senate bill 182—A bill to be entitled an act to incorporate the Neuse River Ferry Company of North Carolina. The bill was read second time. The amendment offered by the

Committee on Corporations prevailed, and the bill passed second time. The bill was read third time.

Pending the consideration of the bill on its third reading the Senate adjourned until 11 o'clock to-morrow morning.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER, January 22, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mason.

The Journal of yesterday was read.

The Chair announced that Messrs. Murphy, Norwood, Merrimon, Grandy and Harris constituted the select committee to examine the general incorporation act.

Mr. Stilley presented a petition from the citizens of Goose Creek Island, Beaufort county, asking that R. L. Thornton, citizen and dealer in spirituous liquors within one mile of a church, be allowed to sell except on church days, which was referred to the Committee on Propositions and Grievances.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, with a proposition to print the same.

On motion, the Senate concurred in the proposition to print.

On motion, the message was referred to the Joint Select Committee on the Sale of the Western North Carolina Railroad.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Gudger—Senate bill 246, House bill 161—A bill to be entitled an act to authorize the commissioners of Hali-

fax county to levy a special tax, and for other purposes, with a recommendation that it do pass.

By Mr. Dunham—Senate bill 111—A bill to be entitled an act to amend an act requiring clerks of Superior Courts to have their officers open every Monday for the transaction of business, with a recommendation that it do not pass.

Senate bill 167—A bill to be entitled an act to repeal chapter 138 of the laws of 1871-'72, with a recommendation that it be referred to the select committee on the revision of the general incorporation act.

By Mr. Flemming—Senate resolution 4—Resolution in regard to internal revenue, and Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville, with recommendations that they do not pass.

By Mr. Merrimon—Senate bill 73—A bill to be entitled an act to amend section 66 of chapter 133 of the acts of 1868-'69, with a recommendation that it do pass.

By Mr. Scott—Senate bill 201—a bill to be entitled an act to provide for the service of process issued from courts of justices of the peace in civil causes, where one or more of the defendants reside out of the county in which the action is brought, with an amendment in the nature of a substitute.

From the Committee on Internal Improvements:

By Mr. Cowles—Senate bill 87—A bill to be entitled an act to incorporate the North Carolina Construction Company, with accompanying amendments.

Senate bill 276—A bill to be entitled an act to amend the charter of the Cape Fear Iron and Steel Company, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Avera—Senate bill 144—A bill to be entitled an act to establish a new county by the name of Gilliam, with a recommendation that it do not pass.

Senate bill 195, House bill 64—A bill to be entitled an act to prevent the sale of spirituous liquors within one and

a half miles of Cold Spring Camp Ground of the Methodist Church South, with a recommendation that it do pass.

Senate bill 295, House bill 212—A bill to be entitled an act to change the name of the town of Boon Hill, in Johnston county to Princeton, and prohibit the sale of liquors therein, with a recommendation that it do pass.

Senate bill 222—A bill to be entitled an act to repeal an act entitled an act to incorporate the Cape Fear Building Association, with a recommendation that it be referred to the Committee on Corporations. Report concurred in.

From the Committee on Finance :

By Mr. Worth—Resolution in favor of H. Adams, with a recommendation that it be referred to the Committee on Claims. Resolution concurred in.

By Mr. Seymour—A bill to be entitled an act to amend chapter 185 acts of 1869-'70. To the Committee on Judiciary.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Troy—A bill to be entitled an act to change the line between the counties of Cumberland and Bladen. To the Committee on Propositions and Grievances.

By Mr. Humphrey—A bill to be entitled an act for the relief of Mike Woods. To the Committee on Judiciary :

By Mr. Troy—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville, North Carolina. To the Committee on Corporations.

By Morehead, of Guilford—A bill to be entitled an act to prevent the destruction of timber. To the Committee on Judiciary.

By Mr. Nicholson—A bill to be entitled an act to allow certain real estate sold under execution to be redeemable in twelve months upon certain conditions. To the Committee on Judiciary.

By the Joint Select Committee on State Debt and Liabili-

ties—A bill to be entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Stilley—Resolution in relation to the assets of the Board of Education. Adopted.

By Mr. McCauley—Resolution for the relief of John J. Hasty, sheriff of Union county. Read and passed first time, and referred to the Committee on Propositions and Grievances.

By Mr. Welch—Resolution calling upon the Governor and Attorney General for information. Laid over under the rules.

By message from the House of Representatives—House resolution 125—Resolution of inquiry in regard to the keeper of the Capitol. Concurred in.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: Senate bill 182—A bill to be entitled an act to incorporate the Neuse River Ferry Company of North Carolina. The question being on the passage of the bill on its third reading,

Mr. Seymour moved to amend by asserting the following as an additional section. "Section 3. The maximum rates of fare upon said ferry shall be \$1.50 for two horse carriages; \$1 for one horse carriages, and 25 cents for foot passengers. The amendment prevailed, and the question recurring thereon, the bill passed third time. Yeas 29; nays 3.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Gudger, Hill, Holloman, Humphrey, Hyman, Long, Mabson, McCabe, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Stilley, Troy, Walker, Waring and Welch—29.

*Negative*—Messrs. Dunham, Flemming and McCauley—3.

At 12 M. the Senate proceeded to consider Senate bill

196, House bill 136—A bill to be entitled an act for the more effectual security of life and property on railroads, and for other purposes, it being the special order for that hour.

On motion, the bill was returned to its place on the Calendar, to be acted on in the order in which it stands thereon.

Also Senate bill 275—A bill to be entitled an act to incorporate the Edgecombe Female Seminary, which had also been made special order for 12 M.

On motion, the bill was ordered to be returned to its place on the Calendar, to be acted on in the order in which it stands thereon.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company of Charlotte, North Carolina. Taken up and recommitted to the Committee on Corporations.

Senate bill 311—A bill to be entitled an act for the relief of John G. Williams. The bill was read second time. The amendment, offered by the Committee on Claims, prevailed.

Thereupon the bill was, on motion of Mr. Respass, referred to the Committee on Judiciary.

Senate bill 144—A bill to be entitled an act to establish a new county by the name of Gilliam. Taken up and made special order for 4th February, 1873.

Senate resolution 343—Resolution calling upon the Governor and Attorney General for information.

Senate bill 246, House bill 161—A bill to be entitled an act to authorize the commissioners of Halifax county to levy a special tax, and for other purposes. Read and passed second time. Yeas 29; nays 6.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Norwood, Price, Scott, Seymour, Stilley, Troy, Walker, Waring, and Worth—29.

*Negative*—Messrs. Allen, Cramer, Hyman, Long, Murray and Nicholson—6.

Senate bill 108, House bill 30—A bill to be entitled an act to incorporate the Scuppernong Steamboat Transportation Company. Read and passed second and third times. Yeas 40; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holoman, Horton, Hyman, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Troy, Walker, Welch and Worth—40.

*Negative*—0.

Senate resolution 320—Resolution in relation to the Western North Carolina Railroad. The resolution was read.

Mr. Waring moved that the resolution lie upon the table.

The yeas and nays were ordered on demand of Mr. Cowles, and the motion to lay upon the table did not prevail. Yeas 0; nays 40.

*Affirmative*—0.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holoman, Horton, Humphrey, Long, McCabe, McCauley, Merimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Stilley, Troy, Walker, Waring, Welch and Worth—40.

The question recurring on its adoption, the resolution was adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Bills on third reading were acted on as follows:

Senate bill 274, House bill 104—A bill to be entitled an act concerning the town of Goldsboro, in Wayne county.

The bill was read the third time. The amendment offered by the Judiciary Committee prevailed.

Mr. Humphrey moved the following amendment, which prevailed. Insert after the word "building" in section 2 the following: "On East and West Centre streets, Chestnut, Walnut, Mulberry and Ashe streets from John to James streets." The bill then passed third time. Yeas 30; nays, 5.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Humphrey, McCabe, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Stilley, Troy, Walker, Waring and Welch—30.

*Negative*—Messrs. Cowles, Horton, McCotter, Respass and Smith—5.

On motion of Mr. Humphrey, the rules were suspended, and the amendments were ordered to be forthwith engrossed and transmitted to House of Representatives for concurrence.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the consolidation of the Carolina Narrow Gauge Railroad Company and the Chester and Lenoir Narrow Gauge Railroad Company in South Carolina.

An act to cure certain defects in the registration of deeds and other written instruments in the county of Buncombe.

The Senate adjourned until to-morrow morning at 11 o'clock.

## THIRTY-SIXTH DAY.

SENATE CHAMBER, January 23, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Price presented a petition from citizens of the counties of Davie and Davidson, which was referred to the Committee on Propositions and Grievances.

Mr. Ellis, of Columbus, presented a petition from citizens of Columbus county, which was referred to the Committee on Propositions and Grievances.

Mr. Merrimon presented a petition from certain citizens, which was referred to the Joint Select Committee on the Sale of the Western North Carolina Railroad.

Leave of absence was granted to Mr. Cowles until Tuesday next.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill —, House bill 190—A bill to be entitled an act for the relief of Timothy F. Lee, sheriff of Wake county.

Senate resolution 311, House resolution 86—Resolution of instruction to the Secretary of State, and for other purposes, with a recommendation that it do not pass.

Senate bill 222—A bill to be entitled an act to repeal an act entitled “an act to incorporate the Cape Fear Building Association,” with accompanying amendment.

From the Committee on Claims:

Senate resolution 344—Resolution in favor of H. Adams, with a recommendation that it do pass.

From the Committee on Judiciary:

By Mr. Allen—Senate bill 316—A bill to be entitled an

act for amnesty and pardon, with an amendment in the nature of a substitute.

By Mr. Gudger—Senate bill —, House bill 65—A bill to be entitled an act to appoint a public guardian, with accompanying amendment.

By Mr. Seymour—Senate bill 216, House bill 101—A bill to be entitled an act to amend sub-division 33, sections 8 and 12 of an act concerning the government of counties, with a recommendation that it do not pass.

Senate bill 250—A bill to be entitled an act to amend chapter 136, laws of 1871-'72 relating to clerks of Superior Courts, with an amendment in the nature of a substitute.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Stafford—A bill to be entitled an act to amend section 29 public laws of 1871-'72. To the Committee on Judiciary.

By Mr. Troy—A bill to be entitled an act to regulate the time for the election of justices of the peace. To the Committee on Privileges and Elections.

A bill to be entitled an act to prevent the sale of liquor within three miles of Cumberland Union Church. To the Committee on Propositions add Grievances.

By Mr. Respass—A bill to be entitled an act to authorize the commissioners of the town of Washington to levy a special tax to purchase fire engines, &c. To the Committee on Propositions and Grievances.

A bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Goose Creek Island Church. To the Committee on Propositions and Grievances.

A bill to be entitled an act to repeal an act authorizing the Albemarle Swamp Company to build a railroad, and an act amendatory thereof. To the Committee on Corporations.

A bill to be entitled an act to authorize and empower the commissioners of the town of Washington to convey lands.

to the trustees of the colored Methodist Episcopal Church in the town of Washington. To the Committee on Propositions and Grievances.

By Mr. Powell—A bill to be entitled an act to incorporate the North Carolina Steel Rail Company. To the Committee on Corporations.

By Mr. Ellis, of Columbus—A bill to be entitled an act declaring it a misdemeanor to purchase goods under a false promise. To the Committee on Judiciary.

A bill to be entitled an act to change the line between the counties of Bladen and Columbus. To the Committee on Propositions and Grievances.

By Mr. Price—A bill to be entitled an act concerning clerks of Superior Courts. To the Committee on Judiciary.

By message from the House of Representatives—House bill 8—A bill to be entitled an act for the appointment of an additional constable for the town of Charlotte. To the Committee on Propositions and Grievances.

By Mr. Mabson—A bill to be entitled an act regulating the sale of tar. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows :

By message from the House of Representatives—House resolution 120—Resolution in favor of the commissioners of Madison county.

On motion, the rules were suspended, and Senate bill 316—A bill to be entitled an act for amnesty and pardon was taken up and made special order for 12 M. of to-day.

A message was received from the House of Representatives informing the Senate that the House had passed Senate bill 90—A bill to be entitled an act to prevent the felling of trees in Haw River and its tributaries, with certain amendments.

On motion, the Senate concurred in the House amendments.

A message was received from the House of Representatives informing the Senate that the House had refused to ratify the contract reported by the Joint Select Committee to let the Keeping of the Public Grounds and Buildings on Contract.

Mr. Allen moved that the Senate recede from the action by which it ratified the action of said committee. The motion prevailed.

At 12 M. the Senate proceeded to consider Senate bill 316—A bill to be entitled an act for amnesty and pardon, it being the special order for that hour. The bill was read second time. The amendment in the nature of a substitute offered by the Judiciary Committee prevailed.

On motion of Mr. Humphrey, the further consideration of the bill was postponed until 12½ o'clock P. M. of Saturday next, the 25th instant, and made special order for that hour. On motion, the bill was ordered to be printed.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 74, House bill 4—A bill to be entitled an act for the relief of sheriffs and tax collectors. The bill was read the second time.

The question being on the amendments offered by the Committee on Propositions and Grievances, a division of the question was ordered on demand of Mr. Respass.

The question thereupon recurring on the first amendment offered by said committee, it prevailed.

The question next recurring on the second amendment, it did not prevail.

The question next recurring on the third of the amendments, it prevailed.

The question then recurring on the fourth of the amendments offered by the committee, it prevailed.

The question then recurring on its passage, the bill passed second time. The bill was read third time.

Mr. Love moved to amend by striking out "1869." The

yeas and nays were ordered on demand of Mr. Love, and the amendment did not prevail. Yeas 12; nays 31.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Gudger, Love, Mabson, Todd, Troy and Worth—12.

*Negative*—Messrs. Barnhardt, Cramer, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Hollomon, Horton, Hyman, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Walker and Waring—31.

Mr. Waring moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on its passage, the bill passed third time. Yeas 38; nays 8.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Hollomon, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—38.

*Negative*—Messrs. Allen, Davis, Dunham, Flemming, Gudger, Murphy, Stilley and Worth—8.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate resolution 320—Resolution in relation to the Western North Carolina Railroad.

Senate bill 134—A bill to be entitled an act prohibiting the sale of spirituous liquors within two miles of Christian Delight Church, in Beaufort county.

Senate bill 274, House bill 104—A bill to be entitled an act concerning the town of Goldsboro, in Wayne county.

The Senate adjourned until to-morrow morning at 11 o'clock.

## THIRTY-SEVENTH DAY.

SENATE CHAMBER, January 24, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The Chair designated Mr. Nicholson as the Senate branch of the Joint Select Committee of Inquiry in Regard to the Keeper of the Capitol.

Mr. Grandy presented a petition from the board of commissioners of Pasquotank county, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Eppes until Monday next.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate petition—, Petition in regard to "Hickory Nutt Turnpike Company."

Senate petition 252—Petition to amend an act relating to the establishment of the county of Pamlico.

Senate petition 303—Petition from citizens of Brunswick county praying for the incorporation of the Shallotte Baptist Church.

Senate petition 304—Memorial from citizens of Bladen county, praying a change of the county line between the counties of Bladen and Columbus, with recommendations that bills be drawn granting the prayers of the several petitions, and asking that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate petition 198—Petition of citizens of Burke county in relation to the Insane Asylum.

Senate bill 198—A bill to be entitled an act to establish a Chronic Insane Asylum at or near the town of Charlotte,

with a recommendation that they be referred to the Committee on Insane Asylum. The recommendation was concurred in.

Senate bill 247, House bill 172—A bill to be entitled an act to repeal chapter 146 of the laws 1870-'71, entitled an act to construct a road through the county of Ashe.

Senate bill 299, House bill 79—A bill to be entitled an act to extend the time for registration of deeds, grants and other conveyances.

Senate bill 21—A bill to be entitled an act to repeal an act entitled an act to provide for a turnpike road from Salisbury west to the line of the State of Georgia, and all other acts amendatory of said act.

Senate bill 293, House bill 107—A bill to be entitled an act to make Neuse River a lawful fence, with recommendations that they do pass.

Senate bill 294, House bill 221—A bill to be entitled an act to allow enterers of vacant lands to obtain grants.

Senate bill 217, House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen, with accompanying amendments.

Senate bill 263—A bill to be entitled an act to provide for a special rate of interest.

Senate bill 218, House bill 149—A bill to be entitled an act in regard to certain sales in North Carolina.

Senate resolution 210, House resolution 128—Resolution in regard to repairs on the hall of the House.

Senate resolution 312, House resolution 127—Resolution of request to our Senators and Representatives in Congress concerning the Indians.

Senate bill 214, House bill 105—A bill to be entitled an act to discontinue a public highway from Salem to Moses Stewart's, in Forsythe county.

Senate resolution 226, House resolution 35—Resolution in favor of James M. Young, sheriff of Buncombe county.

Senate bill 284—A bill to be entitled an act to authorize

the sheriff of Edgecombe county to collect arrears of taxes, with recommendations that they do not pass.

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham—Senate bill 135—A bill to be entitled an act for the protection of railroads in North Carolina, with a recommendation that it do not pass.

From the Committee on Judiciary :

By Mr. Seymour—Senate bill 148, House bill 89—A bill to be entitled an act to authorize the imprisonment of persons convicted in the United States Courts in North Carolina in the Penitentiary of this State, with a recommendation that it do pass.

By Mr. Grandy—Senate bill 282—A bill to be entitled an act to amend sections 35 and 43 of chapter 193 of the acts of 1871-'72, &c., with a recommendation that it do not pass.

Senate bill 245, House bill 141—A bill to be entitled an act to amend section 45, chapter 199 of the public laws of 1871-'72, with a recommendation that it be referred to the Select Committee on the General Incorporation Act. The recommendation of the committee was concurred in.

By Mr. Allen—Senate bill 249—A bill to be entitled an act to amend an act to prescribe the practice and procedure in actions by creditors of deceased persons against their personal representatives, &c., with a recommendation that it do not pass.

By Mr. Dunham—Senate bill 219—A bill to be entitled an act to prevent the sale of poisons, with a recommendation that it do not pass.

From the Committee on Roads, Rivers and Bridges :

By Mr. Barnhardt—Senate bill 181—A bill to be entitled an act concerning the right of way to churches and places of public worship, with an amendment in the nature of a substitute.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Flemming—A bill to be entitled an act to amend an act entitled “an act to incorporate the town of Catawba Vale, in the county of McDowell.” Placed on the Calendar.

By Mr. Troy—A bill to be entitled an act concerning justices of the peace in Cross Creek Township, in the county of Cumberland. To the Committee on Propositions and Grievances.

By Mr. Harris—A bill to be entitled an act to re-enact section 568, chapter 7, laws of 1868-'69. To the Committee on Judiciary.

By Mr. Seymour—A bill to be entitled an act to prohibit the sale of intoxicating liquors to minors. To the Committee on Propositions and Grievances.

By Mr. Mabson—A bill to be entitled an act to incorporate the Cape Fear Water Works Company. To the Committee on Corporations.

By message from the House of Representatives—House bill 246—A bill to be entitled an act to incorporate the Farmers' Loan Bank. To the Committee on Corporations.

House bill 237—A bill to be entitled an act to change the name of the Holden Hook and Ladder Company, No. 1, of Newbern, North Carolina. Placed on the Calendar.

By the Committee on Judiciary—A bill to be entitled an act in relation to Pamlico county. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of as follows :

By Mr. Harris—Resolution in favor of M. A. Bledsoe. Referred to the Committee on Claims.

By Mr. Morehead, of Guilford—Resolution in regard to the Wilmington, Charlotte and Rutherford Railroad. Adopted.

By Mr. Nicholson—Resolution in relation to refunding certain railroad tax to the sheriff of Iredell county. Referred to the Committee on Claims.

By message from the House of Representatives—House resolution 141—Resolution of instruction to the Joint Committee to Investigate Alleged Cruelties in the Management of the Penitentiary. Concurred in.

House resolution 134—Resolution in regard to the Joint-Committee on the Penitentiary. Concurred in.

By the Committee on Education—Resolution concerning the sale of Durant's Island to Greenleaf Johnson. Adopted.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 316—A bill to be entitled an act for amnesty and pardon. Recommitted to the Committee on Judiciary.

House bill 237—A bill to be entitled an act to change the name of the Holden Hook and Ladder Company, No. 1, of Newbern, North Carolina. Read and passed second and third times. Yeas 33; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring and Worth—33.

*Negative*—0.

Senate bill 222—A bill to be entitled an act to repeal an act entitled "an act to incorporate the Cape Fear Building Association." The bill was read second time. The amendment offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 37; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Horton, Humphrey, Hyman, Love, Mabson, McCotter, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—0.

Senate resolution 4—Resolution in regard to internal revenue. The resolution was read.†

Mr. Nicholson offered an amendment in the nature of a substitute, which prevailed.

Mr. Seymour moved that the further consideration of the resolution be indefinitely postponed.

Mr. Troy moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Nicholson, and the resolution was rejected. Yeas 18; nays 20.

*Affirmative*—Messrs. Avera, Barnhardt, Davis, Ellis of Catawba, Horton, Humphrey, McCauley, Miller, Murphy, Murray, Nicholson, Price, Scott, Stafford, Todd, Waring, Welch and Worth—18.

*Negative*—Messrs. Allen, Cramer, Cunningham, Dunham, Flemming, Grandy, Gudger, Hyman, Long, Love, McCotter, Merrimon, Morehead of Rockingham, Norwood, Respass, Seymour, Smith, Stilley, Troy and Walker—20.

Mr. Love moved to reconsider the vote just had.

Mr. Gudger moved to lay that motion on the table.

The yeas and nays were ordered on demand of Mr. Nicholson, and the motion to lay upon the table prevailed. Yeas 23; nays 15.

*Affirmative*—Messrs. Allen, Cramer, Cunningham, Dunham, Flemming, Grandy, Gudger, Hill, Humphrey, Long, Love, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Norwood, Respass, Seymour, Smith, Stilley, Troy and Walker—23.

*Negative*—Messrs. Avera, Barnhardt, Davis, Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Miller, Murphy, Nicholson, Price, Todd, Waring, Welch and Worth—15.

Senate resolution 256—Resolution in regard to Insane Asylum. The resolution was read. The amendment offered by the Committee on Insane Asylum prevailed.

Mr. Ellis, of Columbus, moved to amend by adding the following to the preamble: "And whereas it is represented

that suitable buildings for the accommodation of a large number of patients can be secured without charge to the State in the City of Wilmington." The amendment prevailed.

Mr. Ellis, of Columbus, also moved the following amendments, which prevailed. At end of line 5 of resolution insert the word "Wilmington" after the word "site"; in line 7 of resolution insert the words "or sites."

On motion, the resolution was recommitted to the Committee on the Insane Asylum.

At 12 M. the Senate proceeded to consider Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company, it being the special order for that hour.

Mr. Avera moved that the bill be read by sections. The motion prevailed, and thereupon the first section of the bill was read.

Mr. Avera moved to amend by striking out all after the word "company."

Mr. Troy moved to amend the amendment by inserting the word "continuance" instead of "company."

The question recurring on the amendment to the amendment, it did not prevail.

The question recurring on the amendment offered by Mr. Avera, it did not prevail.

The second section was then read.

The third section was read.

Mr. Norwood moved to amend by inserting the following after the word stockholders in line 2: "six of whom shall reside in this State." The amendment prevailed.

Mr. Avera moved to amend by striking out "six" and inserting "nine." The amendment did not prevail.

Mr. Humphrey moved to amend by striking out the name of John D. Williams and inserting that of A. A. McKethan. The amendment prevailed.

The fourth section was read.

The fifth section was read.

Mr. Norwood moved to amend by inserting the following after the word "directors" in line 1: "for the purpose of building, maintaining and operating said road." The amendment prevailed.

The sixth section was read.

Mr. Troy moved to amend by inserting after the word "domain," in line 25, the following: "but shall not obstruct any public road without constructing one equally as good as the one obstructed." The amendment prevailed.

Mr. Morehead, of Rockingham, moved the following amendment, which prevailed. In line 21 insert the word "unentered" before the word "State."

Mr. Morehead, of Guilford, moved to amend by striking out all after the word "pleasure" in line 7 to word "and" in line 23.

Mr. Norwood moved to amend further by striking out to and inclusive of the word "arbitration" in line 36.

Mr. Humphrey moved that the further consideration of the bill be postponed until 12 $\frac{1}{4}$  P. M. to-morrow, and made the special order for that hour.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act to incorporate the Albemarle and Scuppernon Steamboat Transportation Company.

An act to incorporate the Snow Hill, Greenville and Goldsboro Railroad Company.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 182—A bill to be entitled an act to amend an act to incorporate the Neuse River Ferry Company of North Carolina.

Senate resolution 343—Resolution calling upon the Governor and Attorney General for information.

The Senate adjourned until to-morrow morning at 11 o'clock.

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### THIRTY-EIGHTH DAY.

SENATE CHAMBER, January 25, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Allen announced that Mr. Dunham was detained from his set by sickness.

Mr. McCauley presented a petition from citizens of the town of Monroe, in Union county, praying for an extension of the corporate limits of said town and for other relief, which was referred to the Committee on Corporations.

Reports from standing committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 205—A bill to be entitled an act in relation to taking fish in Pamlico River or its tributaries, with a recommendation that it do pass.

Senate petition 348—Petition of citizens of Davie and Davidson counties asking for public road, with a report that no legislation was necessary, as the commissioners of the several counties have power to answer the prayer of the petitioners.

Petition from the citizens of Goose Creek Island, Beaufort county, asking that R. L. Thornton be allowed to sell liquor within one mile of a church except on church days, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate bill 355—A bill to be entitled an act to authorize

and empower the commissioners of the town of Washington to convey land, &c., with an amendment in the the nature of a substitute.

Senate petition 347—Petition from citizens of Columbus county, praying the passage of a law prohibiting the sale of spirituous liquors within one and a half miles of Cherry Grove Baptist Church in said county, with a report that the legislation asked for was unadvisable and a request that the committee be discharged from the further consideration of the petition. The committee was discharged.

Senate bill 346, House bill 8—A bill to be entitled an act for the appointment of an additional constable for the town of Charlotte, with accompanying amendments.

Senate bill 194, House bill 21—A bill to be entitled an act to establish a portion of the line between North Carolina and Tennessee, with a recommendation that it do not pass.

From the Committee on Corporations:

By Mr. Price—Senate bill 300, House bill 140—A bill to be entitled an act to incorporate King Solomon Lodge, No. 313, Free and Accepted Masons of Robeson county, with a recommendation that it do not pass.

By Mr. Avera—Senate bill 277—A bill to be entitled an act to incorporate Mount Prospect Camp Ground, in the county of Union, with a recommendation that it do pass.

Senate bill 317, House bill 165—A bill to be entitled an act to incorporate the town of Jackson, in Northampton county, with accompanying amendments.

By Mr. Gudger—Senate bill 317—A bill to be entitled an act to amend section 45, chapter 199, public laws of 1871-'72, with a recommendation that it be referred to the Select Committee on the General Incorporation Act. The recommendation of the committee was concurred in.

By Mr. Welch—Senate bill 352—A bill to be entitled an act to incorporate the North Carolina Steel Rail Company, with a recommendation that it do pass.

The following named bills were introduced, read and

passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Avera—A bill to be entitled an act for the better protection of the poor. To the Committee on Propositions and Grievances.

By Mr. Troy—A bill to be entitled an act to aid planters, miners, mechanics, manufacturers and others in the prosecution of their respective callings and business. To the Committee on Agriculture.

By message from the House of Representatives—House bill 144—A bill to be entitled an act to change the time of holding the terms of the Superior Courts in the several counties composing the Tenth Judicial District. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 41—Resolution in favor of the sureties of Jesse Summer, sheriff of Buncombe county in the year 1869. Referred to the Committee on Propositions and Grievances.

House resolution 142—Resolution of instruction to our Representatives in Congress.

The resolution having been read, on motion of Mr. Love, the Senate proceeded to its consideration.

Mr. Avera moved to lay the resolution on the table. The motion did not prevail.

Mr. Norwood moved to reconsider the vote just taken. The motion to reconsider prevailed.

Thereupon the question recurring on the motion to lay on the table, it did not prevail.

At a quarter past 12 M. the Chair announced that the hour for the consideration of Senate bill 266—A bill to be entitled an act to incorporate the North Carolina Midland Railroad Company had arrived, the bill being the special order for that hour. By unanimous consent the consideration of the bill was postponed for eight minutes, and the

Senate resumed the consideration of House resolution 142—Resolution of instruction to our Representatives in Congress.

Mr. Merrimon moved that the further consideration of the resolution be indefinitely postponed.

Mr. Love moved the previous question, and the Senate ordered the main question to be now put. Thereupon the Chair announced that the question recurred upon the adoption of the resolution, and on motion of Mr. Stilley, the yeas and nays were ordered thereon.

The eight minutes for which the special order had been postponed having expired, Mr. Humphrey called for its consideration, and the Chair announced that the time had arrived for the consideration of Senate bill 266—A bill to be entitled an act to incorporate the North Carolina Midland Railroad Company, it being the special order upon its second reading, and that the question then recurred upon the amendment offered by Mr. Norwood to the amendment offered by Mr. Morehead, of Guilford, to the sixth section of the bill.

Mr. Love rose to the following point of order, to-wit: That the previous question having been ordered upon House resolution 142—Resolution of instruction to our Representatives in Congress, the question now before the Senate was “shall the resolution be adopted.”

The Chair decided the point of order to be not well taken, and thereupon Mr. Love appealed from the decision of the Chair to that of the Senate.

The question recurring thereon, the yeas and nays were ordered on demand of Mr. Love, and the Chair having put the question, “Shall the decision of the Chair stand as the decision of the Senate?” it was decided in the affirmative. Yeas 33; nays 6.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Merrimon,

Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Powell, Respass, Scott, Seymour, Stilley, Todd, Troy, Walker, Waring and Worth—33.

*Negative*—Messrs. Hyman, Love, Miller, Nicholson, Price and Welch—6.

The Senate thereupon proceeded to consider Senate bill 266—A bill to be entitled an act to incorporate the North Carolina Midland Railway.

The amendment offered by Mr. Norwood on yesterday having been withdrawn by consent, and the question being on the amendment offered by Mr. Morehead, of Guilford, to the sixth section of the bill, Mr. Troy moved the following amendment to said amendment: "Amend section 6 by adding after the word 'pleasure'" in line 7 "may construct all such docks, quays, wharfs, warehouses, work shops and depots as may be necessary for the successful working of said road; may also appoint its own board of engineers, and said company shall have power to regulate its own tariff for passengers and freight, but all its net profits which shall exceed 15 per cent. upon the capital stock shall be devoted entirely to the building of branch lines, or other works of public utility, or the reduction of its tariff charges; said company shall have at all time the right to cross any road or public domain, but shall not obstruct any public road without constructing one equally as good as the one obstructed, and shall not be compelled to pay for any right of way through any unentered State property." The amendment did not prevail.

Mr. Morehead, of Rockingham, moved the following amendment to the amendment offered by Mr. Morehead, of Guilford. Insert after the word trade in line 27, the following: '*Provided*, That nothing in this or any other section shall be so construed as to give the privilege of banking in their own notes or issues, or in any other currency, or to give the right of general exchange and traffic not within the scope of transportation companies'".

Pending which, Mr. Morehead, of Rockingham, moved that the bill be re-committed to the Committee on Internal Improvements and made special order for 11½ o'clock, A. M. on Tuesday next. The motion prevailed.

The Senate then proceeded to consider Senate bill 316—A bill to be entitled an act for amnesty and pardon, which had been made the special order for 12½ o'clock P. M. by the the consideration of the preceeding special order. The bill was read the second time. The amendments offered by the Committee on Judiciary prevailed.

Mr. Hyman moved the following amendment: In lines 23 and 24, section 1, strike out "first day of September, A. D., one thousand eight hundred and seventy-one," and insert in lieu thereof "29th day of January, A. D., one thousand eight hundred and seventy." The amendment did not prevail.

Mr Seymour moved to amend by inserting after the word "North Carolina," in section 1, line 4, the words, "with the exception of murder, arson, rape and burglary."

Mr. Troy moved that the further consideration of the bill be postponed until Monday next, the 27th instant, and made special order for 12 o'clock M. of that day.

The special orders having been disposed of, the Chair announced that House resolution 142—Resolution of instruction to our Representatives in Congress, was before the Senate; that the previous question having been ordered, the question was, shall the resolution be adopted? The yeas and nays having been previously ordered, on motion of Mr. Stilley, the resolution was adopted. Yeas 24; nays 15.

*Affirmative*—Messrs. Cramer, Ellis of Columbus, Fleming, Grandy, Harris, Hill, Holloman, Horton, Love, McCabe, McCotter, Morehead of Guilford, Nicholson, Norwood, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Walker, Waring and Welch—24.

*Negative*—Messrs. Allen, Barnhardt, Cunningham, Davis, Ellis of Catawba, Gudger, Hyman, Long, McCauley, Merri-

mon, Morehead of Rockingham, Murphy, Murray, Todd and Worth—15.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 369, House bill 120—A bill to be entitled an act in favor of the commissioners of Madison county. The bill was read second time.

Mr. Love moved to amend by striking out the preamble. The amendment did not prevail. The bill then passed second time. The bill was then read and passed third time. Yeas 38; nays 6.

*Affirmative*.—Messrs. Allen, Avera, Barnhardt, Cramer, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Stafford, Stille, Todd, Troy, Walker, Waring, Welch and Worth.—38.

*Negative*.—Messrs. Cunningham, Davis, Love, Murphy, Respass and Smith—6.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to Senate bill 76, House bill 4—A bill to be entitled an act for the relief of sheriffs and tax collectors.

The Senate adjourned until Monday morning at 11 o'clock.

## THIRTY-NINTH DAY.

SENATE CHAMBER, January 27, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Mr. Cunningham presented a memorial from the commissioners of the town of Milton asking that the charter of their town be amended, which was referred to the Committee on Propositions and Grievances.

The following named Senators to-wit: Messrs. Allen, Waring and Stilley asked and obtained leave to have their names recorded in the affirmative instead of in the negative, on the vote by which the decision of the Chair on the point of order, raised by Mr. Love, on Saturday last, was ordered to stand as the decision of the Senate.

Mr. Worth also asked and obtained leave to have his name recorded in the affirmative on said said vote.

Mr. Gudger moved to reconsider the vote. The consideration of that motion was postponed until Wednesday, the 5th of February.

On motion, Mr. Dunham was added to the Committee on Corporations and Mr. Powell to the Committee on Internal Improvements.

Reports from standing committees were submitted as follows:

From Committee on Corporations:

By Mr. Welch—Senate bill 373—A bill to be entitled an act to incorporate the Cape Fear Water Works Company, and Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company of Charlotte, North Carolina, with recommendations that they do pass.

By Mr. Gudger—Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville, North Carolina, with a report that the bill was unaccom-

panied by the necessary tax receipt, and asking that the committee be discharged from the further consideration thereof. The committee was discharged.

By Mr. Price—Senate bill 312, House bill 118—A bill to be entitled an act to incorporate Seaton Gales Lodge, No. 64, Independent Order of Odd Fellows, Raleigh, North Carolina, and Senate bill 291, House bill 93—A bill to be entitled an act to incorporate the Northern and Southern Telegraph Company, with recommendations that they do pass.

By Mr. Smith—Senate bill 374, House bill 246—A bill to be entitled an act to incorporate the Farmers' Loan Bank, with a report that the bill was unaccompanied by the necessary tax receipts, and that therefore the committee asked to be discharged from the further consideration thereof. The committee was discharged.

By Mr. Morehead, of Rockingham—Senate bill 316, House bill 211—A bill to be entitled an act to incorporate the Mechanics' and Laborers' Mutual Aid Society of North Carolina, with a report, that as the bill was not accompanied by the necessary tax receipts, the committee asked to be discharged from the further consideration thereof. The committee was discharged.

From the Committee on Propositions and Grievances:

By Mr. Love—Senate resolution 211, House resolution 4—Resolution asking our Representatives in Congress to reduce the cost in bankruptcy proceedings, with a recommendation that it do not pass.

Senate bill 193, House bill 49—A bill to be entitled an act to provide for the erection of a jail in Hayesville, Clay county.

Senate bill 376—A bill to be entitled an act concerning justices of the peace in Cross Creek Township, in the county of Cumberland, with recommendations that they do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows;

By Mr. Morehead, of Guilford—A bill to be entitled an act to incorporate the Old North State Life Insurance Company. To the Committee on Insurance.

By Mr. Seymour—A bill to be entitled an act to repeal chapter 139, laws of 1869-'70. To the Committee on Judiciary.

A message was received from the House of Representatives announcing that that body had passed Senate bill 81—A bill to be entitled an act to allow the owners of Catawba toll bridge to list it for taxes and other purposes, in the county of Catawba, with certain amendments.

On motion, the Senate concurred in the House amendments.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 362—A bill to be entitled an act to appoint a public guardian. Taken up and recommitted to the Committee on Judiciary.

Senate bill 194, House bill 21—A bill to be entitled an act to establish a portion of the line between North Carolina and Tennessee. Taken up and recommitted to the Committee on Propositions and Grievances.

Senate bill 204—A bill to be entitled an act to amend the charter of the North Carolina Spoke and Handle Manufacturing Company. Read and passed second and third times. Yeas 35; nays 2.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Columbus, Flemming, Grandy, Harris, Hill, Holloman, Horton, Hyman, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Walker, Waring and Worth—35.

*Negative*—Messrs. Dunham and Gudger—2.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 296, House bill 107—A bill to be entitled an act to make Neuse river a lawful fence. Read and passed second and third times. Yeas 34; nays 4.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Smith, Stafford, Stilley, Todd, Walker, Waring and Worth—34.

*Negative*—Messrs. Allen, Dunham, Merrimon and Murphy—4.

Senate bill 352—A bill to be entitled an act to incorporate the North Carolina Steel Rail Company. Read and passed second and third times. Yeas 38; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Seymour, Smith, Stafford, Stilley, Todd, Walker, Waring and Worth—38.

*Negative*—0.

At 12 M. the Senate proceeded to consider Senate bill 319—A bill to be entitled an act for amnesty and pardon, it being the special order for that hour.

The question recurring on the amendment offered on Saturday by Mr. Seymour, Mr. Welch moved to amend the same by striking out the words "murder and arson."

The question recurring on the amendment, the yeas and nays were ordered on demand of Mr. Seymour, and the amendment to the amendment prevailed. Yeas 27; nays 16.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray,

Nicholson, Norwood, Powell, Price, Scott, Todd, Waring, Welch and Worth—27.

*Negative*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker—16.

The question recurring on the amendment offered by Mr. Seymour, it prevailed.

Mr. Grandy offered the following amendment in the nature of a substitute for the preamble to the bill :

“WHEREAS it was the express purpose of the Constitutional Union Guard, White Brotherhood, Invisible Empire and Ku-Klux Klan, in the formation of their respective organizations, to oppose and prevent the faithful execution of the reconstruction acts of Congress in the State of North Carolina, and to prohibit Union and law-abiding citizens of North Carolina from exercising their rights of suffrage in the State; and whereas, to carry out the fell purpose of their organizations, murder and other felonious crimes against the laws of the State were committed by the members thereof, and that ignorant and inexperienced men were misled and encouraged to commit such crimes by those who were better informed and who first entered these organizations.

Mr. McCotter moved that the Senate do now adjourn. The motion did not prevail.

The question recurring on the amendment offered by Mr. Grandy, it did not prevail.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Seymour, and the bill passed second time. Yeas 27; nays 16.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guil-

ford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—27.

*Negative*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Seymour, Smith, Stilley and Walker—16.

The bill was made special order for 11½ A. M. to-morrow.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to prevent the felling of trees in Haw river and its tributaries, Stony Creek and Reedy Fork, in Alamance county.

An act concerning the town of Goldsboro, in Wayne county.

An act in favor of the commissioners of Madison county.

An act to change the name of the Holden Hook and Ladder Company, No. 1, of Newbern.

Resolution of instruction to members in Congress.

Resolution in regard to the Joint Committee on the Penitentiary.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## FORTIETH DAY

SENATE CHAMBER, January 28, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Seymour for the rest of the week.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Seymour—Senate bill 282—A bill to be entitled an act providing for the biennial election of officers of the General Assembly and prescribing their duties, with accompanying amendments.

From the Joint Select Committee on the General Incorporation Law:

By Mr. Murphy—Senate bill 167—A bill to be entitled an act to repeal chapter 138 of the laws of 1871-'72, with a recommendation that it do pass.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 129—Resolution empowering the Judiciary Committee of the House to send for persons and papers. Laid upon the table.

At 12½ A. M. the Senate proceeded to consider Senate bill 319—A bill to be entitled an act for amnesty and pardon, it being the special order for that hour.

Mr. Avera moved that the consideration of the special order be postponed. The motion did not prevail.

Mr. Respass moved to amend by inserting the following after the word "assembly" in line 19, section 1: "or any and all persons who may have committed any crime or crimes against or in violation of the laws of the State of North Carolina."

Mr. Seymour moved to amend section 1 by striking out the words "Heroes of America, Loyal Union League, Red Strings, North Carolina State Troops and North Carolina Militia."

Mr. Dunham moved that the Senate do now adjourn until 11 o'clock to-morrow morning.

The yeas and nays were ordered on demand of Mr. Love, and the motion to adjourn did not prevail. Yeas 13; nays 29

*Affirmative*—Messrs. Cramer, Dunham, Ellis of Catawba, Eppes, Grandy, Harris, Hollon **an**, Horton, Hyman, Long, Mabson, McCauley and McCotter—13.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Hill, Humphrey, Love, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Stafford, Stilley, Todd, Walker, Waring, Welch and Worth—29.

Mr. Harris moved that the Senate do now adjourn until 10 minutes to 11 to-morrow morning.

The yeas and nays were ordered on demand of Mr. Love, and the motion did not prevail. Yeas 13; nays 29.

*Affirmative*—Messrs. Cramer, Dunham, Ellis of Catawba, Eppes, Grandy, Harris, Horton, Hyman, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy and Waring—13.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Long, Love, McCabe, McCauley, Miller, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Stafford, Stilley, Todd, Walker, Welch and Worth—29.

Mr. Love moved that the further consideration of the bill be postponed and made special order for 11½ A. M. to-morrow. The motion prevailed.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 222—A bill to be entitled an act to repeal an act entitled “an act to incorporate the Cape Fear Building Association.”

Senate resolution 378—Resolution in regard to the Wilmington, Charlotte and Rutherford Railroad.

Senate resolution 364—Resolution concerning sale of Durant's Island to Greenleaf Johnson.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend an act to incorporate the Wilmington Mutual Insurance Company.

An act to prohibit the sale of spirituous liquors within two miles of Excelsior College in Burke county.

An act in relation to depositions.

An act to allow owners of the Catawba toll bridge and Horse Ford property to list for taxes and register the same.

An act for the relief of sheriffs and tax collectors.

An act to amend an act incorporating the town of Farmville, in Pitt county.

Resolution of inquiry in regard to the keeper of the Capitol.

The Senate adjourned until 11 A. M. to-morrow.

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## FORTY-FIRST DAY.

SENATE CHAMBER, January 29, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mason.

The Journal of yesterday was read.

A message was received from the House of Representatives transmitting a report from the Joint Select Committee on the Compilation of the Public Laws, which was read.

A message was sent to the House of Representatives transmitting the report of the State Geologist in reference to Senate resolution 156, House resolution 65—Resolution of instruction to the State Geologist.

Mr. Long presented a petition from certain citizens of the county of Richmond asking the abolition of the Scotch Fair held in that county, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 349—A bill to be entitled an act to change the line between the counties of Bladen and Columbus, with an amendment in the nature of a substitute.

Senate petition 389—Petition from the commissioners of the town of Milton asking an amendment to the charter of their town, with a recommendation that a bill be drawn granting the prayer of the petition, and a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate bill — A bill to be entitled an act to regulate the sale of tar, with accompanying amendments.

Senate bill 322—A bill to be entitled an act to lay off and establish a new county by the name of Core, with accompanying amendments.

By Mr. Avera—Senate bill 384—A bill to be entitled an act for the better protection of the poor, with accompanying amendments.

From the Committee on Claims:

By Mr. Flemming—Senate resolution 366—Resolution in relation to refunding certain railroad tax to the sheriff of Iredell county, W. F. Nason.

Senate bill 199—A bill to refund the tax paid by the Atlantic, Tennessee and Ohio Railroad for the years 1871-'72, with recommendations that they do pass.

From the Committee on Judiciary:

By Mr. Gudger—Senate bill 327—A bill to be entitled an act amendatory of an act entitled "an act of final jurisdiction of justices of the peace in criminal actions."

Senate bill 377—A bill to be entitled an act to re-enact chapters 567 and 568, laws of 1868-'9, with recommendations that they do not pass.

By Mr. Allen—Senate bill 335—A bill to be entitled an act for the relief of Mike Woods, with a recommendation that it do pass.

Senate bill 336—A bill to be entitled an act to prevent the destruction of timber.

Senate bill 170—A bill to be entitled an act relating to the sale of ardent spirits, with accompanying amendments.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Allen—A bill to be entitled an act to amend "an act to amend chapter 186, private acts of 1861, being an act to incorporate the Wilmington and Writsville Turnpike Company." To the Committee on Corporations.

By Mr. Dunham—A bill to be entitled an act to amend the rules of pleading in justices' courts. To the Committee on Judiciary.

By Mr. Walker—A bill to be entitled an act to change the terms of the Superior Courts in the Ninth Judicial District. To the Committee on Judiciary.

By Mr. Murphy—A bill to be entitled an act to aid the people of the State in ascertaining the titles to their land. To the Committee on Judiciary.

By Mr. Powell—A bill to be entitled an act to incorporate the Haw River and New Hope Transportation Manufacturing Company. To the Committee on Corporations.

By message from the House of Representatives—House bill 147—A bill to be entitled an act to allow the commissioners of Columbus county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turnpike road from Marion,

in the county of McDowell, to Asheville, in the county of Buncombe. To the Committee on Internal Improvements.

By Mr. Ellis, of Catawba—A bill to be entitled an act to incorporate the Horse Food Manufacturing Company. To the Committee on Corporations.

By Mr. Scott—A bill to be entitled an act to authorize two additional terms of the Superior Court of Granville county. To the Committee on Judiciary.

By Mr. McCauley—A bill to be entitled an act to incorporate the Mount Prospect Camp Ground, in Union county. To the Committee on Judiciary.

By Mr. McCotter—A bill to be entitled an act to change the terms for holding the Superior Courts of Pitt, Hyde and Beaufort. To the Committee on Propositions and Grievances.

By Mr. Gudger—A bill to be entitled an act to investigate the affairs of the Western Division of the Western North Carolina Railroad. Placed on the Calendar.

By Mr. Nicholson—A bill to be entitled an act to amend title 14, chapter 2, section 319 of the Code of Civil Procedure. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 154—Resolution of instruction to the treasurer and secretary of the University. Concurred in.

By Mr. Allen—Resolution for the relief of the Wilmington and Weldon Railroad Company. To the Committee on Judiciary.

The Senate then proceeded to consider the special order for 11½ A. M., to-wit: Senate bill 319—A bill to be entitled an act for amnesty and pardon, the consideration of which had, on motion of Mr. Avera, been postponed until the morning business had been disposed of. The question recurring on the amendment offered by Mr. Respass to the amendment offered by Mr. Seymour, it did not prevail.

The question then recurring on the amendment offered by Mr. Seymour, it did not prevail.

Mr. Waring moved to amend by striking out the words "and burglary."

Mr. Avera moved the previous question, and the Senate ordered the main question to be put.

By unanimous consent the following amendments were offered:

By Mr. Smith—"Strike out section 5, and insert 'that this act shall be in force when approved by the qualified voters of the State, the same being submitted at the next regular election.'"

By Mr. Ellis, of Catawba—Insert as a proviso to section 1, the following: "*Provided*, That the provisions of this act shall not apply to those who may be guilty of murder, within the meaning of this act, by actual participation or by advising murder, shall have been committed by way of punishment for the crime of murder, rape or arson."

The question first recurring on the amendment offered by Mr. Waring, it prevailed.

The question then recurring on the amendment offered by Mr. Smith, the yeas and nays were ordered on demand of Mr. Harris, and the amendment did not prevail. Yeas 14; nays 37.

*Affirmative*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Smith, Stilley and Walker—14.

*Negative*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Todd, Troy, Waring, Welch and Worth—27.

The question then recurring on the amendment offered by Mr. Ellis, of Catawba, it did not prevail.

The question then recurring on its passage, the bill passed third time. Yeas 25; nays 18.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—25.

*Negative*—Messrs. Cowles, Cramer, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Long, Mabson, McCabe, McCotter, Smith, Stilley and Walker—18.

Mr. Love at his request was excused from voting on the final passage of the bill.

Mr. Waring moved to reconsider the vote just had and to lay that motion upon the table. The motion to lay on the table prevailed.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville, North Carolina. Taken up and recommitted to the Committee on Corporations.

Senate bill 318—A bill to be entitled an act for the improvement of the agriculture of the State. Made special order for 12 M. 31st of January, 1873.

Senate bill 400—A bill to be entitled an act to investigate the affairs of the Western Division of the Western North Carolina Railroad. Read and passed second and third times. Yeas 43; nays 0.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—43.

*Negative*—0.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 126, House bill 23—A bill to be entitled an act to repeal chapter 68, of the laws of 1871-'72. Read third time.

Mr. Love moved to amend by inserting after the word "Cherokee" the words "Jackson, Macon." The amendment prevailed.

Mr. Welch moved to amend by inserting "Transylvania." The amendment prevailed, and the bill passed third time. Yeas 33; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Holloman, Horton, Hyman, Long, Love, Mabson, McCabe, McCauley, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Smith, Stafford, Stilley, Todd, Troy, Walker and Waring—33.

*Negative*—Messrs. Morehead of Guilford and Morehead of Rockingham—2.

Senate bill 276—A bill to be entitled an act to amend the charter of the Cape Fear Iron and Steel Company. Read and passed second and third times. Yeas 39; nays 0.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—0.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act declaring Neuse river a lawful fence.

An act to amend chapter 185, laws of 1868-69, entitled an act concerning townships.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 352—A bill to be entitled an act to incorporate the North Carolina Steel Rail Company.

Senate bill 204—A bill to be entitled an act to amend the charter of the North Carolina Spoke and Handle Manufacturing Company.

The Senate then adjourned until 11 o'clock to-morrow morning.

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#### FORTY-SECOND DAY.

SENATE CHAMBER, January 30, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was received from His Excellency, the Governor, covering a memorial from the Superintendent of Public Instruction in relation to the land scrip donated to the State of North Carolina by the United States, which was read and referred to the Committee on Education.

Reports from standing committees were submitted as follows :

From Committee on Judiciary :

By Mr. Merrimon—Senate bill 282—A bill to be entitled an act to encourage manufacturing and the improvement of water powers and to amend chapter 158, laws of 1868-'69.

Senate bill 286—A bill to be entitled an act to amend an act to provide a cheap chattel mortgage.

Senate bill 334—A bill to be entitled an act to amend

chapter 185, acts of 1869-'70, and Senate bill 353—A bill to be entitled an act concerning clerks of the Superior Courts, with recommendations that they do not pass.

Senate bill 248—A bill to be entitled an act to define the powers and duties of county surveyors, with a recommendation that it do pass.

By Mr. Todd—Senate bill 165—A bill to be entitled an act to amend chapter 12 of Revised Code, entitled "bastard children," with an amendment in the nature of a substitute.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham—Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company, with accompanying amendments.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 400—A bill to be entitled an act to investigate the affairs of the Western Division of the Western North Carolina Railroad.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Long—A bill to be entitled an act to abolish the Scotch Fair, near Laurel Hill, Richmond county. To the Committee on Propositions and Grievances.

By Mr. Gudger—A bill to be entitled an act to amend chapters 167 and 135 of public laws of North Carolina concerning idiots and lunatics. To the Committee on Judiciary.

A bill to be entitled an act in regard to public administrator. To the Committee on Judiciary.

By Mr. Allen—A bill to be entitled an act to incorporate the Old North State Lumber, Mining and Manufacturing Company. To the Committee on Corporations.

By the Committee on Constitutional Reform—A bill to be

entitled an act to alter the Constitution of North Carolina. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Holloman—Resolution authorizing the Public Treasurer of the State to pay to the treasurer of Northampton county \$1,287.94 from the school fund. Referred to the Committee on Claims.

By Mr. Hill—Resolution authorizing the Public Treasurer of the State to pay to the treasurer of Brunswick county \$604.97 from the school fund. Referred to the Committee on Claims.

By Mr. McCabe—Resolution authorizing the Public Treasurer of the State to pay to the treasurer of Edgecombe county \$1,486.66 from the school fund. Referred to the Committee on Claims.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company. Made special order for 1 P. M. of to-day.

Senate resolution 315, House resolution 127—Resolution of request to our Senators and Representatives in Congress concerning the Indians. Read and adopted.

Senate bill —A bill to be entitled an act to alter the Constitution of North Carolina. Made special order for 12 M. of to-morrow and ordered to be printed.

Senate resolution 307—Resolution on adjournment. The resolution was read.

Mr. Dunham moved that the resolution lie upon the table.

Mr. Merrimon moved the previous question.

The yeas and nays were ordered on demand of Mr. Troy, and the Senate ordered the main question to be put. Yeas 34; nays 6.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of

Columbus, Flemming, Gudger, Hill, Holloman, Humphrey, Long, Mabson, McCabe, McCauley, Merrimon, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Smith, Stafford, Stilley, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—Messrs. Eppes, Harris, Love, McCotter, Murphy and Scott—6.

The question recurring on its adoption, the resolution was adopted. Yeas 35; nays 6.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth—35.

*Negative*—Messrs. Allen, Dunham, Harris, Murphy, Scott and Waring—6.

On leave granted, Mr. Love introduced a resolution ordering that the Senate shall meet daily at 10 o'clock, A. M. and at 7½ P. M. except on Saturdays, when it shall meet at 10 A. M. only. The resolution was read, and the Senate proceeded to its consideration.

Mr. Love moved the previous question, and the question recurring thereon, the yeas and nays having been ordered thereon on demand of Mr. Cowles, the Senate ordered the main question to be now put. Yeas 32; nays 11.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Humphrey, Long, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Smith, Stafford, Stilley, Todd, Troy, Walker, Welch and Worth—32.

*Negative*—Messrs. Allen, Dunham, Eppes, Grandy, Harris, Hyman, McCotter, Merrimon, Murray, Scott and Waring—11.

Mr. Morehead, of Guilford, moved to reconsider the vote just taken.

Upon that motion Mr. Welch moved the previous question.

The hour of 1 P. M. having arrived, the Chair announced that the hour for the consideration of Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company had arrived, it being the special order for that hour on its third reading, and that the question recurred on the amendment offered by the Senator from Rockingham.

Mr. Troy moved to postpone the consideration of the special order until the resolution introduced by Mr. Love should be disposed of.

Upon this motion, the yeas and nays having been ordered on demand of Mr. Dunham, the Senate proceeded to vote, and it was decided in the negative. Yeas 17; nays 20.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Dunham, Ellis of Catawba, Holloman, Horton, Long, Love, Mabson, Miller, Nicholson, Stafford, Stilley, Troy, Walker and Welch—17.

*Negative*—Messrs. Allen, Barnhardt, Cunningham, Grandy, Harris, Hill, Humphrey, Hyman, McCabe, McCotter, Merimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Todd, Waring and Worth—20.

Mr. Love moved to postpone the consideration of the special order for two minutes. The motion prevailed, and the Senate resumed the consideration of the resolution introduced by Mr. Love.

The call made by Mr. Welch for the previous question on the motion to reconsider having been withdrawn by consent, the consideration of that motion was postponed until 11½ o'clock A. M. to-morrow, and made special order for that hour.

The Senate thereupon resumed the consideration of Senate

bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company.

The question recurring on the amendment offered by Mr. Morehead, of Rockingham, to the amendment offered by Mr. Morehead, of Guilford, it was withdrawn by consent.

The question then recurring on the amendment offered by Mr. Morehead, of Guilford, it did not prevail.

The question then recurring on the amendments offered by the Committee on Internal Improvements, on motion of Mr. Troy, it was ordered that they be considered *seriatim*.

The question recurring on the amendment offered by the committee to the first section, it prevailed.

The question then recurring successively on the amendment offered by the committee to the 6th section ; 2d, on the amendment offered by the committee to the 8th section ; 3d, on the amendment offered by the committee striking out section 9 ; all of said amendments prevailed.

The question then recurring on the amendment offered by the committee to the 13th section, Mr. Welch moved the following amendment thereto: After the words "Tennessee line" insert the words "at or near Ducktown."

Mr. Powell moved that the Senate do now adjourn until 7 o'clock to-night.

Mr. Dunham moved that the Senate adjourn until 11 o'clock to-morrow morning. The motion to adjourn until 11 o'clock to-morrow morning prevailed, and the Senate thereupon adjourned.

## FORTY-THIRD DAY.

SENATE CHAMBER, January 31, 1872.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Waring for the rest of the week from and after to-day.

The Chair announced the resignation of Hiram E. Stilley, one of the Senators from the Second Senatorial District.

Reports from standing committees were submitted as follows:

From Committee on Corporations:

By Mr. Welch—Senate bill 398—A bill to be entitled an act to incorporate the Horse Food Manufacturing Company, with a recommendation that it do pass.

Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville, North Carolina, with accompanying amendment.

From the Committee on Privileges and Elections:

By Mr. Cowles—Senate bill 359—A bill to be entitled an act to regulate the time for the election of justices of the Peace, with accompanying amendment.

From the Committee on Judiciary:

By Mr. Dunham—Senate bill 251—A bill to be entitled an act to protect the tax-payers of North Carolina and to save the public works.

Senate bill 350—A bill to be entitled an act declaring it a misdemeanor to purchase goods under a false promise, with recommendations that they do not pass.

Senate bill 351—A bill to be entitled an act to amend section 29, chapter 213, public laws for 1871-'72, with recommendation that it do pass.

By Mr. Todd—A bill to be entitled an act amendatory of an act to lay off and establish the homestead and personal

property exemption, with a recommendation that it do not pass.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 276—A bill to be entitled an act to amend the charter of the Cape Fear Steel and Iron Company.

Senate bill 319—A bill to be entitled an act for amnesty and pardon.

Amendments to Senate bill 126, House bill 23—A bill to be entitled an act to repeal chapter 68, laws of 1871-72.

From Committee on Insane Asylum:

By Mr. Ellis, of Columbus—Senate resolution 256—Resolution in regard to the Insane Asylum, with an amendment in the nature of a substitute.

On motion, the rules were suspended and the Senate proceed at once to consider the resolution and amendment.

Pending the consideration of the amendment in the nature of a substitute offered by the committee, the hour of 11½ A. M. arrived, and the Chair announced the special order for the hour, to-wit: The motion of the Senator from Guilford to reconsider the vote of the Senate had on yesterday whereby the previous question was ordered on the adoption of Senate resolution 412—Resolution fixing the hours for meeting of daily sessions of the Senate.

The question recurring upon the motion to reconsider, the yeas and nays were ordered on demand of Mr. Love, and the motion prevailed. Yeas 20; nays 17.

*Affirmative*—Messrs. Allen, Avera, Cramer, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Humphrey, Hyman, Merrimon, Morehead of Guilford, Murphy, Murray, Norwood, Scott, Smith, Todd, Walker and Waring—20.

*Negative*—Messrs. Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Gudger, Holloman, Horton, Long,

Love, McCabe, Miller, Morehead of Rockingham, Nicholson, Stafford, Troy and Worth—17.

The Chair thereupon announced that the question now before the Senate was "shall the main question be now put."

Mr. Merrimon rose to the following point of order, to-wit: That the action of the Senate in reconsidering the order for the previous question made it no longer operative, and that therefore the question was "shall the resolution be adopted."

Thereupon the hour of 12 M. having arrived, the Chair announced the special order for the hour, to-wit: Senate bill 321—A bill to be entitled an act for the improvement of the agriculture of the State.

Mr. Avera moved that the consideration of the bill be postponed until 1 P. M. The motion prevailed.

The Chair then announced that Senate bill —, A bill to be entitled an act to alter the Constitution of North Carolina having also been made a special order for 12 M. to-day was now before the Senate. The bill was read the second time.

On motion of Morehead, of Guilford, it was ordered that it is the sense of this Senate that each alteration to the Constitution of the State, proposed by the last General Assembly, should be acted on separately, and that the bill now before the Senate be recommitted to the Committee to Examine the Bill of Constitutional Amendments, with instructions to report by bill or otherwise in accordance with the sense of the Senate.

At 1 P. M. the Senate proceeded to consider Senate bill 321—A bill to be entitled an act for the improvement of the agriculture of the State.

Mr. Gudger moved the previous question, and the Senate ordered the main question to be now put.

The question recurring on its passage, the bill passed second time.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Stafford—A bill to be entitled an act to require voters to present their sheriff's receipt for poll tax for the preceding year before they be allowed to register and vote. To the Committee on Judiciary.

By Mr. Waring—A bill to be entitled an act to incorporate the Great Western Air-Line Railway Company. To the Committee on Internal Improvements.

By message from the House of Representatives—House bill 330—A bill to be entitled an act to incorporate the Chapel Hill Iron Mountain Railroad Company. To the Committee on Internal Improvements.

House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872. Made special order for 12 M. of Wednesday next, and ordered to be printed.

By the Committee on Propositions and Grievances—A bill to be entitled an act in reference to printing and distributing the public documents.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company. Made special order for 12 M. to-morrow.

Senate bill 354, House bill 190—A bill to be entitled an act for the relief of Timothy F. Lee, sheriff of Wake county. Read and passed second and third times: Yeas 27; nays 6.

*Affirmative*—Messrs. Allen, Cowles, Cramer, Cunningham, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holoman, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Norwood, Scott, Stafford, Todd, Walker and Welch—27.

*Negative*—Messrs. Barnhardt, Dunham, Ellis of Columbus, Morehead of Guilford, Murray and Worth—6.

Senate bill — A bill to be entitled an act in reference to printing and distributing the public documents. The bill was read second time.

Mr. Love moved to amend by striking out all of section

2 after the word "printer" and inserting "so that in no case at any time shall the Journal of either House of any one day's proceedings remain unprepared for the printer by the clerk for a longer period than six days after its approval. The amendment prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 35; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—35.

*Negative*—0.

The bill was ordered forthwith to be engrossed and transmitted to the House of Representatives for concurrence.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to investigate the affairs of the Western Division of the Western North Carolina Railroad.

Resolution of request to our Representatives and Senators in Congress concerning the Indians.

The Senate adjourned until 11 o'clock A. M. to-morrow.

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#### FORTY-FOURTH DAY.

SENATE CHAMBER, February 1, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Indefinite leave of absence was granted to Mr. Holloman on account of sickness in his family.

On motion of Mr. Gudger, Mr. Cramer was added to the Committee on Internal Improvements in the place of Mr. Stilley, resigned.

Mr. Norwood presented a memorial from the President of the Commercial Bank of Wilmington, which was referred to the Committee on Claims.

Reports from standing committees were submitted as follows :

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham—Senate bill 423, House bill 330—A bill to be entitled an act to incorporate the Chapel Hill Iron Mountain Railroad Company, with accompanying amendment.

From the Committee on Corporations :

By Mr. Morehead, of Rockingham—Senate bill 407—A bill to be entitled an act to incorporate the Haw River and New Hope Transportation and Manufacturing Company, with accompanying amendment.

By Mr. Gudger—Senate bill 413—A bill to be entitled an act to incorporate the Old North State Mining and Manufacturing Company, with a recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Welch—Senate bill 391—A bill to be entitled an act to incorporate Mount Prospect Camp Ground, in Union county, with a recommendation that it do pass.

By Mr. Todd—Senate bill 202—A bill to be entitled an act to repeal certain sections of chapter 12, Revised Code, in relation to "bastard children," with a recommendation that it do not pass.

By Mr. Merrimon—Senate bill 64—A bill to be entitled an act defining the duties of Judges of Superior Courts in certain cases.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations and sales under the same, with recommendations that they do not pass.

Senate bill 311—A bill to be entitled an act for the relief

of John G. Williams, with a recommendation that it do pass.

From the Committee on Propositions and Grievances :

By Mr. Love—Senate bill 261—A bill to be entitled an act in relation to fees of justices of the peace and constables.

Senate bill 285—A bill to be entitled an act in relation to fees of registers of deeds and justices of the peace, with recommendations that they do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Norwood—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh. To the Committee on Propositions and Grievances.

By Mr. Flemming—A bill to be entitled an act to incorporate the trustees of the Marion Baptist Church. To the Committee on Corporations.

By Mr. Morehead, of Guilford—A bill to be entitled an act to amend chapter 203, acts of 1868-'69. To the Committee on Judiciary.

By Mr. Ellis, of Columbus—A bill to be entitled an act requiring all voters who are by law liable for a poll tax to exhibit their tax receipt at the polls before voting. To the Committee on Judiciary.

By Mr. Horton—A bill to be entitled an act for the relief of Thomas H. Andrews, of Wilkescounty. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Avera—Resolution fixing the hour for the daily meetings of the Senate at 10 A. M. Adopted.

By Mr. Love—Resolution in regard to the sale of books, &c. Laid over under the rules.

A message was received from the House of Representatives announcing that that body had concurred in the amendments adopted by the Senate to Senate bill 126,

House bill 23—A bill to be entitled an act to repeal chapter 68 of the laws of 1871-'72, with an amendment thereto.

On motion, the Senate concurred in the House amendment, and the bill was ordered to be enrolled for ratification.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate resolution—Resolution in regard to the sale of books, &c. Read and adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 354, House bill 190—A bill to be entitled an act in favor of Timothy F. Lee, sheriff of Wake county. Ordered to be forthwith enrolled for ratification.

Senate bill 297, House bill 221—A bill to be entitled an act to allow enterers of public lands to obtain grants. The bill was read second time. The amendment offered by the Committee on Propositions and Grievances prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 32; nays 0.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Love, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Stafford, Todd, Troy, Walker, Welch and Worth—32.

*Negative*—0.

The amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence:

Senate resolution 116—Resolution in favor of James McQueen, of Robeson county. Read and passed second time. The resolution was read third time.

Pending the consideration of the resolution on its third reading, the hour of 12 M. arrived and the Chair announced the special order, to wit: Senate bill 266—A bill to be en-

titled an act to incorporate the Midland North Carolina Railway Company.

On motion, the consideration of the special order was postponed for five minutes.

The Senate thereupon resumed the consideration of Senate resolution 116—Resolution in favor of James McQueen, of Robeson county.

The question recurring on its passage, the resolution passed third time.

The Senate thereupon proceeded to consider Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company.

The question recurring on the amendment offered by Mr. Welch to the amendment offered by the Committee on Internal Improvements to section 13 of the bill, it was withdrawn by consent.

Thereupon Mr. Merrimon moved to amend the amendment by inserting after the words "Tennessee line" "at some point west of Paint Rock on French Broad river." The amendment to the amendment did not prevail.

Mr. Troy moved to amend the amendment offered by the committee, by adding thereto the following :

*Provided further*, That nothing herein contained shall in any way or manner interfere with the extension and construction of any road now chartered in this State, nor shall the route of any unfinished road acquired under this charter be changed from its present location.

The amendment prevailed, and the question recurring on the amendment offered by the committee, it prevailed.

Mr. Love moved to amend section 13 by inserting after the words "Tennessee line" the words "at or near Ducktown."

Mr. Cowles moved to amend the amendment by adding thereto the following: "By or near Yadkinsville, in the

county of Yadkin, and by or near Wilkesboro, in the county of Wilkes, thence to the Tennessee line by the most practicable route." The amendment to the amendment did not prevail.

Mr. Todd moved the following amendment in the nature of a substitute for the amendment. After the words "Tennessee line" insert "at some point between Ducktown and Bristol." The amendment to the amendment prevailed, and the question recurring on the amendment offered by Mr. Love as amended, it did not prevail.

The amendment offered by the committee to the 15th section prevailed.

The question recurring on the amendment offered by the committee to the 16th section, it prevailed.

Mr. Troy moved to further amend the 16th section as follows: Strike out in line 11 "duty or" and "other" and insert in line 12 after the word "impost" the word "duty."

The amendment offered by the committee to strike out section 17, and the amendment offered by the committee to come in as an additional section prevailed.

Mr. Troy moved to amend section 18 by striking out all after word "same" in line 5 to and inclusive of word "such" in line 8. The amendment did not prevail.

Mr. Todd moved the previous question.

The yeas and nays were ordered on demand of Mr. Dunham, and the Senate refused to order the main question to be put. Yeas 14; nays 19.

*Affirmative*.—Messrs. Cowles, Cramer, Grandy, Horton, Humphrey, Long, McCabe, McCauley, Miller, Morehead of Rockingham, Murray, Scott, Stafford and Todd—14.

*Negative*.—Messrs. Avera, Barnhardt, Dunham, Ellis of Columbus, Ellis of Catawba, Eppes, Gudger, Harris, Hill, Love, Merrimon, Morehead of Guilford, Murphy, Nicholson, Norwood, Smith, Walker, Welch and Worth—19.

Mr. Murphy moved that the further consideration of the

bill be postponed until 12 M. of Monday next, and made special order for that hour. The motion prevailed.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate resolution in relation to sale of books, &c.

Senate resolution 307—Resolution on adjournment.

Senate bill 426—A bill to be entitled an act in reference to printing and distributing the public documents.

Amendments to Senate bill 297, House bill 221—A bill to be entitled an act to allow enterers of public lands to obtain grants.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act in favor of Timothy F. Lee, sheriff of Wake county.

The Senate adjourned.

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## FORTY-FIFTH DAY.

SENATE CHAMBER, February 3, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Mr. Ellis, of Columbus, presented a petition from citizens praying the passage of a law to prohibit the sale of intoxicating liquors within three miles of Big Branch Baptist Church, in Robeson county, which was referred to the Committee on Propositions and Grievances.

Mr. Smith presented a memorial of the citizens of Granville in relation to the forming of a new county by the

name of Gilliam, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. McCabe for five days on account of sickness in his family.

Reports from standing committees were submitted as follows :

From Committee on Judiciary :

By Mr. Gudger—Senate bill 404—A bill to be entitled an act to aid the people of the State in ascertaining the titles to their land, with accompanying amendments.

From the Committee on Propositions and Grievances :

By Mr. Love—Senate bill 432—A bill to be entitled an act for the relief of Thomas H. Andrews, of Wilkes county, with a recommendation that it do not pass.

Senate bill 392—A bill to be entitled an act to change the terms for holding the Superior Courts for the counties of Pitt, Hyde and Beaufort, with a recommendation that it be referred to the Committee on Judiciary. The recommendation was concurred in.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Scott—A bill to be entitled an act to amend the charter of the town of Beaufort. To the Committee on Corporations.

By Mr. Walker—A bill to be entitled an act to prohibit the sale of spirituous liquors within the corporate limits of the town of Rutherfordton. To the Committee on Propositions and Grievances.

By Mr. Cowles—A bill to be entitled an act to amend an act entitled an act to establish a turnpike road from the town of Statesville, in the county of Iredell, to the town of Mount Airy, in the county of Surry. To the Committee on Internal Improvements.

By Mr. Ellis, of Columbus—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of

Big Branch Baptist Church, in Robeson county. To the Committee on Propositions and Grievances.

A bill to be entitled an act to prevent the sale of spirituous liquors within one and a half miles of Cherry Grove Baptist Church, in the county of Columbus. To the Committee on Propositions and Grievances.

By Mr. Morehead, Chairman of Committee on Constitutional Amendments—A bill to be entitled an act to alter the Constitution in relation to the public debt.

A bill to be entitled an act to alter the Constitution in relation to the office of Superintendent of Public Works.

A bill to be entitled an act to alter the Constitution in relation to the Code Commissioners.

A bill to be entitled an act to alter the Constitution in relation to exemptions.

A bill to be entitled an act to alter the Constitution in relation to the University.

A bill to be entitled an act to alter the Constitution in relation to public schools and public instruction.

A bill to be entitled an act to alter the Constitution in relation to the State census.

A bill to be entitled an act to alter the Constitution in relation to federal and other office holders.

A bill to be entitled an act to alter the Constitution in relation to the public charities.

A bill to be entitled an act to alter the Constitution in relation to the annual sessions of the General Assembly.

A bill to be entitled an act to alter the Constitution in relation to the judicial power of the State.

A bill to be entitled an act to alter the Constitution in relation to the term of office of executive officers.

A bill to be entitled an act to alter the Constitution in relation to the pay and mileage of members of the General Assembly.

A bill to be entitled an act to alter the Constitution in relation to county commissioners.

A bill to be entitled an act to alter the Constitution in relation to the Supreme Court.

A bill to be entitled an act to alter the Constitution in relation to judicial districts and Superior Court Judges.

A bill to be entitled an act to alter the Constitution in relation to townships.

A bill to be entitled an act to alter the Constitution in relation to certain offices and to renumbering the sections.

On motion of Mr. Morehead, of Guilford, the bills to alter the Constitution, introduced by himself, in behalf of the Committee on Constitutional Amendments in the order in which they were reported, were made the special order for 11½ A. M. to-morrow, and for the same hour on each succeeding legislative day until they shall be formally disposed of by the Senate.

By message from the House of Representatives—House bill 338—A bill to be entitled an act to authorize the county commissioners of Wilkes county to issue bonds, and for other purposes. To the Committee on Propositions and Grievances.

By Mr. Todd—A bill to be entitled an act concerning the establishing and laying out of public highways. To the Committee on Judiciary.

A bill to be entitled an act to repeal sub-chapter 1 of chapter 113, laws of 1868-'69. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows :

By message from the House of Representatives—House resolution 157—Resolution authorizing the Auditor to issue a duplicate warrant for \$340 to the late county treasurer of Yadkin county for the benefit of the common school fund of said county. Referred to the Committee on Claims.

House resolution 73—Resolution in favor of Arthur Dennis. Referred to the Committee on Claims.

House resolution 155—Resolution in behalf of Jonas

Cline, sheriff of Catawba county. Referred to the Committee on Claims.

House resolution 158—Joint resolution in regard to the Branch Mint at Charlotte, North Carolina. Concurred in.

By Mr. Murray—Resolution in relation to private bills.

Mr. Love moved to amend by inserting the words "Friday and " before the word "Saturday."

Mr. Worth moved to amend by adding the following proviso: *Provided*, It shall not take precedence of the special order on Constitutional Amendments.

Mr. ——— moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment offered by Mr. Worth, it prevailed.

The question then recurring on the amendment offered by Mr. Love, it prevailed.

The question then recurring on its adoption, the resolution was adopted.

By Mr. Cowles—Resolution of indignation, &c. Laid over under the rules.

On motion of Mr. Ellis, of Columbus, it was ordered that all the bills prohibiting the sale of spirituous liquors be referred to the Committee on Propositions and Grievances, with instructions to report a general bill.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill 219—A bill to be entitled an act to prevent the sale of poisons. Recommended to the Committee on Judiciary.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations and sales under the same. Recommended to the Committee on Judiciary.

Senate resolution 88—Resolution for the relief of John J. Hasty, sheriff of Union county. The resolution was read second time. The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances

prevailed, and the resolution passed second time. The resolution was then read and passed third time. Yeas 26; nays 1.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Hyman, Long, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Walker, Welch and Worth—26.

*Negative*—Mr. Dunham—1.

Senate bill 423, House bill 330—A bill to be entitled an act to incorporate the Chapel Hill Iron Mountain Railroad Company. The bill was read second time. The amendment offered by the Committee on Internal Improvements prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 29; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford and Walker—29.

*Negative*—0.

Senate bill 373—A bill to be entitled an act to incorporate the Cape Fear Water Works Company. Read and passed second and third times. Yeas 27; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Scott, Stafford, Walker, Welch and Worth—27.

*Negative*—Messrs. Morehead of Guilford, and Smith—2.

Senate bill 317, House bill 165—A bill to be entitled an act to incorporate the town of Jackson, in Northampton county. The bill was read second time. The amendment offered by the Committee on Corporations prevailed and the

bill passed second time. The bill was then read and passed third time. Yeas 28; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Hill, Horton, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Powell, Scott, Stafford, Walker, Welch and Worth—28.

*Negative*—0.

Senate bill 193—A bill to be entitled an act to provide for the erection of a jail in Hayesville, Clay county. Read and passed second and third times. Yeas 28; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Hill, Horton, Hyman, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Smith, Stafford, Walker, Welch and Worth—28.

*Negative*—0.

Senate bill 189—A bill to be entitled an act for the relief of certain tax payers in Lenoir county. Read and passed second and third times. Yeas 32; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Walker, Welch and Worth—32.

*Negative*—0.

Senate bill 275—A bill to be entitled an act to incorporate the Edgecombe Female Seminary. Read and passed third time. Yeas 29; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, McCabe, McCauley, Miller, Morehead of Rockingham,

Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Walker and Worth—29.

*Negative*—0.

Senate bill 246, House bill 161—A bill to be entitled an act to authorize the commissioners of Halifax county to levy a special tax, and for other purposes. Read and passed third time. Yeas 27; nays 0.

*Affirmative*—Messrs. Avera, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Horton, Hyman, Long, Love, McCabe, McCauley, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Smith, Stafford, Walker and Worth—27.

*Negative*—0.

Senate bill 398—A bill to be entitled an act to incorporate the Horse Ford Manufacturing Company. Read and passed second and third times. Yeas 31; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Smith, Todd, Walker, Welch and Worth—31.

*Negative*—0.

Senate bill 420—A bill to be entitled an act to abolish the Scotch Fair near Laurel Hill, Richmond county, North Carolina. Read and passed second and third times. Yeas 25; nays 3.

*Affirmative*—Messrs. Avera, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Todd, Walker and Worth—25.

*Negative*—Messrs. Cowles, Gudger and Smith—3.

Senate bill 257—A bill to be entitled an act to incorporate the town of Selma, in the county of Johnston. The bill

was read second time. The amendment in the nature of a substitute offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 29; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Dunham, Flemming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Stafford, Todd, Walker, Welch and Worth—29.

*Negative*—0.

Senate bill 248—A bill to be entitled an act to define the powers and duties of county surveyors. Read and passed second and third times. Yeas 30; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Humphrey, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Scott, Smith, Todd, Walker, Welch and Worth—30.

*Negative*—0.

Senate resolution 256—Resolution in regard to the Insane Asylum. The question recurring on the amendment in the nature of a substitute offered by the Committee on the Insane Asylum, it prevailed.

Mr. Morehead, of Guilford, moved to amend by adding the following to section 1: "The said committee shall also visit Thomasville, Davidson county, and examine and report what arrangement can be made for the purchase of the school building located in that village."

Mr. Love moved that the resolution lie upon the table.

The yeas and nays were ordered on demand of Mr. Ellis, of Columbus, and the motion to lay upon the table prevailed. Yeas 16; nays 12.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Eppes, Gudger, Horton, Hyman, Love, Murray, Powell, Smith, Stafford, Todd, Walker, Welch and Worth—16.

*Negative*—Messrs. Cramer, Dunham, Ellis of Columbus, Grandy, Hill, Long, McCabe, McCauley, Miller, Morehead of Guilford, Murphy and Scott—12.

At 12 M. the Senate proceeded to consider Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company.

Mr. Avera moved the previous question, and the Senate ordered the main question to be put.

The question recurring on its passage, the bill passed third time. Yeas 30; nays 3.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Eppes, Flemming, Grandy, Gudger, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Walker, Welch and Worth—30.

*Negative*—Messrs. Dunham, Ellis of Columbus and Merimon—3.

On motion, the rules were suspended and the bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives announcing that that body had concurred in the following named bills, with certain amendments. On motion, the Senate concurred in the House amendments and the bills were ordered to be enrolled:

Senate bill 426—A bill to be entitled an act to amend the act incorporating the town of Mount Olive, in Wayne county.

Senate bill 110—A bill to be entitled an act to amend the act incorporating the town of Mount Olive, in Wayne county.

Senate bill 27—A bill to be entitled an act to amend chapter 152 of the laws of 1872.

Senate bill 71—A bill to be entitled an act to extend the time for redemption of property sold for taxes.

The following named bills and resolutions, reported as

correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to repeal chapter 68 of the laws of 1871-'72.

The Senate then adjourned.

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#### FORTY-SIXTH DAY.

SENATE CHAMBER, February 4, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. King was announced as detained from his seat by protracted sickness.

Reports from standing committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill 194, House bill 21—A bill to be entitled an act to establish a portion of the line between North Carolina and Tennessee, with a recommendation that it do not pass.

Senate bill 361—A bill to be entitled an act to authorize the commissioners of the town of Washington to levy a special tax to purchase fire engines, &c., with an amendment in the nature of a substitute.

Senate bill 395—A bill to be entitled an act to allow the commissioners of Columbus county to levy a special tax with a recommendation that it do pass.

Senate resolution 341—Resolution for the relief of John J. Hasty, sheriff of Union county, with a recommendation that it do not pass.

From the Committee on Judiciary:

By Mr. Flemming—Senate bill 301, House bill 108—A bill to be entitled an act amendatory of the act of the 21st of

December, 1871, concerning the appointment of Judges to hold special terms, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Grandy—A bill to be entitled an act to allow the county commissioners of Camden to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Miller—A bill to be entitled an act for the promotion of stock raising. To the Committee on Judiciary.

By Mr. Avera—A bill to be entitled an act to make it a misdemeanor to fail to pay and list poll tax. To the Committee on Finance.

By Mr. Cowles—A bill to be entitled an act to repeal sections 1, 2, 3, 4, 5, 6 and 7, of an act concerning estates of deceased persons, ratified the 6th day of April, A. D. 1869. To the Committee on Judiciary.

By Mr. Morehead, of Guilford—A bill to be entitled an act to provide for and regulate the adoption of minor children. To the Committee on Judiciary.

By Mr. Humphrey—A bill to be entitled an act to provide for two additional terms of the Superior Court for the county of Edgecombe. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Harris—Resolution for the relief of W. W. Holden. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules, as follows :

Senate resolution 412—Resolution on hours of meeting of the Senate. Laid upon the table.

Senate resolution 344—Resolution in favor of H. Adams. Postponed until the 14th of February, 1873.

Senate resolution 323—Resolution in favor of the census takers for the year 1860. Read and rejected.

Senate bill 194, House bill 21—A bill to be entitled an

act to establish a portion of the line between North Carolina and Tennessee. Laid on the table.

Senate resolution 341—Resolution for the relief of John J. Hasty, sheriff of Union county. Laid on the table.

Senate bill 321—A bill to be entitled an act for the improvement of the agriculture of the State. The bill was read third time.

Mr. Merrimon moved to amend by striking out after the words "to be paid" in section 4, the words "as other salaries are paid," and inserting the words, "out of the fund appropriated under section 15, chapter 2, of the Revised Code."

Pending the consideration of the amendment the hour of 12 M. arrived, and the Chair announced the special order for that hour, to-wit: Senate bill 144—A bill to be entitled an act to establish a new county by the name of Gilliam. The bill was read second time.

Mr. Avera offered an amendment in the nature of a substitute.

Mr. Cunningham moved that the further consideration of the bill be indefinitely postponed.

The yeas and nays were ordered on demand of Mr. Cunningham, and the motion to indefinitely postpone prevailed. Yeas 25; nays 11.

*Affirmative*—Messrs. Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Gudger, Hill, Horton, Humphrey, Hyman, Long, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Smith, Stafford, Todd, Walker and Worth—25.

*Negative*—Messrs. Avera, Cowles, Cramer, Grandy, Harris, Holloman, Love, Merrimon, Murphy, Murray and Welch—11.

The Senate then resumed the consideration of Senate bill 321—A bill to be entitled an act to improve the agriculture of the State.

Mr. Gudger moved that the bill lie upon the table. The motion did not prevail.

Mr. Morehead, of Guilford, moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Cunningham, and the Senate refused to adjourn. Yeas 9; nays 24.

*Affirmative*—Messrs. Dunham, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Horton and Morehead of Guilford—9.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Holloman, Humphrey, Hyman, Long, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Nicholson, Norwood, Respass, Stafford, Todd, Walker and Worth—24.

Mr. Worth moved to fill the blanks in the bill with the words "twelve hundred dollars."

Mr. Morehead, of Guilford, moved that the Senate do now adjourn. The motion prevailed and the Senate thereupon stood adjourned.

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## FORTY-SEVENTH DAY.

SENATE CHAMBER, February 5, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Cramer presented a petition from citizens of Thomasville in relation to selling liquors to minors, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Hill—Senate bill 428—A bill to be entitled an act to allow cumulative suffrage in elections for commis-

sioners of the city of Raleigh, with a recommendation that it do pass.

By Mr. Love—Senate petition 368—Petition of board of commissioners of Pasquotank county praying the forfeiture of the charter of the toll bridge over Pasquotank river, near Abbott's Mills, with a recommendation that it be laid on the table.

Senate bill 457—A bill to be entitled an act to allow the county commissioners of Camden county to levy a special tax, with a recommendation that it do not pass.

Senate resolution 381, House resolution 41—Resolution in favor of the sureties of Jesse Sumner, sheriff of Buncombe county in the year 1869, with accompanying amendments.

From the Committee on Corporations:

By Mr. Avera—Senate bill 402—A bill to be entitled an act to amend chapter 186 of the private laws of 1861, being an act to incorporate the Wilmington and Wrightsville Turnpike Company, with a recommendation that it be referred to the Committee on Judiciary. The recommendation was concurred in.

Senate bill 289, House bill 11—A bill to be entitled an act to incorporate the town of Rockingham in the county of Richmond, with accompanying amendments.

By Mr. Welch—Senate bill 429—A bill to be entitled an act to incorporate the trustees of the Marion Baptist Church, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Cowles—Senate bill 448—A bill to be entitled an act to amend an act to establish a turnpike road from the town of Statesville, in Iredell county, to the town of Mount Airy, in Surry county, with a recommendation that it do pass.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act entitled an act to incorporate the

Neuse River Ferry Company of North Carolina, ratified the 25th of January, 1872.

An act in reference to printing and distributing the laws, journals, documents and bills.

An act to amend chapter 39, section 4 of the private laws of 1869-'70, ratified the 1st day of March, 1870, entitled an act to incorporate the town of Mount Olive, in Wayne county.

An act to authorize the commissioners of Halifax county to levy a special tax and for other purposes.

An act to extend the time for the redemption of lands sold for taxes.

An act to amend chapter 152, laws of 1872.

An act to provide for the building of a jail in Hayesville, Clay county.

Resolution of instruction to our Senators in Congress.

Joint resolution in regard to the Branch Mint at Charlotte, North Carolina.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate resolution 116—Resolution in favor of James McQueen of Robeson county.

Senate bill 420—A bill to be entitled an act to abolish the Scotch Fair, near Laurel Hill, Richmond county, North Carolina.

Senate bill 398—A bill to be entitled an act to incorporate the Horse Ford Manufacturing Company.

Senate bill 189—A bill to be entitled an act for the relief of certain tax payers in Lenoir county.

Senate bill 373—A bill to be entitled an act to incorporate the Cape Fear Water Works Company.

Senate bill 248—A bill to be entitled an act to define the powers and duties of county surveyors. :

Senate resolution 88—Resolution for the relief of John J. Hasty.

Senate bill 275—A bill to be entitled an act to incorporate the Edgecombe Female Seminary.

Senate bill 257—A bill to be entitled an act to incorporate the town of Selma.

Senate bill 266—A bill to be entitled an act to incorporate the Midland North Carolina Railway Company.

Amendments to Senate bill 105, House bill 137—A bill to be entitled an act to incorporate the town of Jackson.

Amendments to Senate bill 423, House bill 330—A bill to be entitled an act to incorporate the Chapel Hill Iron Mountain Railway Company.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the Houses of Representatives—House bill 259—A bill to be entitled an act to levy a special tax for the county of Currituck. To the Committee on Propositions and Grievances.

House bill 391—A bill to be entitled an act to make an appropriation for the Deaf and Dumb and Blind Asylum. To the Committee on the Deaf and Dumb and Blind Asylum.

House bill 242—A bill to be entitled an act authorizing the levying of a special tax in Person county. To the Committee on Propositions and Grievances.

House bill 260—A bill to be entitled an act to amend an act to incorporate the town of Boone, in Watauga county. To the Committee on Corporations.

House bill 386—A bill to be entitled an act in relation to the sale of spirituous liquors in the town of Waynesville. To the Committee on Propositions and Grievances.

House bill 261—A bill to be entitled an act to amend the charter of the city of Raleigh. To the Committee on Corporations.

House bill 194—A bill to be entitled an act to incorporate the North Carolina Central Railway Company. To the Committee on Internal Improvements.

House bill 288—A bill to be entitled an act making Reedy Fork, in the county of Guilford, a lawful fence. To the Committee on Propositions and Grievances.

House bill 132—A bill to be entitled an act to authorize the commissioners of the county of Swain to levy a special tax. To the Committee on Propositions and Grievances.

House bill 320—A bill to be entitled an act to declare Chinquapin and Weicochon Creek a lawful fence. To the Committee on Propositions and Grievances.

House bill 119—A bill to be entitled an act to incorporate the Belle Cove Oyster Company. To the Committee on Corporations.

House bill 348—A bill to be entitled an act prohibiting the sale of spirituous liquors in or near the town of Carthage, in Moore county. To the Committee on Propositions and Grievances.

House bill 298—A bill to be entitled an act to incorporate the town of Stantonburgh, in Wilson county. To the Committee on Corporations.

House bill 300—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the court house in the town of Morganton. To the Committee on Propositions and Grievances.

House bill 285—A bill to be entitled an act to levy a special tax for Greene county. To the Committee on Propositions and Grievances.

House bill 43—A bill to be entitled an act to amend an act relative to the Western Turnpike Road, &c., ratified the 17th day of March, 1869. To the Committee on Internal Improvements.

House bill 162—A bill to be entitled an act to prevent the sale of spirituous liquors near Beauty Spot Church, in the county of Robeson. To the Committee on Propositions and Grievances.

House bill 251—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell certain

stocks held by said county, and for other purposes. To the Committee on Propositions and Grievances.

House bill 284—A bill to be entitled an act to authorize the commissioners of Montgomery county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 238—A bill to be entitled an act to incorporate the town of Huntersville, in Mecklenburg county. To the Committee on Corporations.

House bill 206—A bill to be entitled an act making indictable the felling of trees into either fork of Horse Creek, in Ashe county. To the Committee on Propositions and Grievances.

House bill 204—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Judson Female College, in the town of Hendersonville. To the Committee on Propositions and Grievances.

House bill 43—A bill to be entitled an act to exempt persons living in adjoining counties from paying toll on the Western Turnpike. To the Committee on Propositions and Grievances.

House bill 200—A bill to be entitled an act to incorporate the Wilmington Trust Company and Savings Bank. To the Committee on Corporations.

House bill 285—A bill to be entitled an act to levy a special tax for Greene county. To the Committee on Propositions and Grievances.

House bill 151—A bill to be entitled an act in relation to the sale of spirituous liquors in the town of Durham. To the Committee on Propositions and Grievances.

House bill 247—A bill to be entitled an act to authorize the commissioners of Granville county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 245—A bill to be entitled an act to change the name of Franklinsville township, in the county of Randolph. To the Committee on Propositions and Grievances.

House bill 356—A bill to be entitled an act concerning

Stanly Creek Camp Ground, Gaston county, and incorporate a board of trustees thereof. To the Committee on Propositions and Grievances.

House bill 150—A bill to be entitled an act to incorporate the town of Apex. To the Committee on Corporations.

House bill 236—A bill to be entitled an act making indictable the felling of trees into Stuart's Creek, in the county of Surry. To the Committee on Propositions and Grievances.

By Mr. Dunham—A bill to be entitled an act to incorporate the Cape Fear and Peoples' Steamboat Company. To the Committee on Corporations.

By Mr. McCauley—A bill to be entitled an act declaring certain acts of officers and agents of the State a misdemeanor. To the Committee on Judiciary.

By Mr. Merrimon—A bill to be entitled an act to prevent the sale of spirituous liquors. Placed on the Calendar.

By Mr. McCauley—A bill to be entitled an act to amend the charter of the town of Monroe, in the county of Union. To the Committee on Corporations.

By Mr. Cunningham—A bill to be entitled an act to amend the charter of the town of Milton. To the Committee on Judiciary.

The following named bills, introduced by message from the House of Representatives, but unaccompanied by the tax receipt, were referred to the Committee on Corporations without reading.

House bill 239—A bill to be entitled an act to incorporate Eureka Lodge, No. 283, Ancient York Masons.

House bill 272—A bill to be entitled an act to incorporate Manatau Lodge, No. 318, Free and Accepted Masons.

House bill 295—A bill to be entitled an act to incorporate El Bethel Methodist Episcopal Church South, in the county of Cleaveland.

House bill 271—A bill to be entitled an act to incorporate Cleaveland Lodge, No. 202, Free and Accepted Masons.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 105—Resolution in favor of Samuel Reeves, Jr., John Beard and David L. Bringle. Referred to the Committee on Claims.

On motion of Mr. Cunningham, the order making Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, the special order for 12 M. of to-day was discharged, and the bill was referred to the Committee on Education.

Mr. Hyman moved to reconsider the vote by which the consideration of Senate bill 320—A bill to be entitled an act to create a new county by the name of Gilliam was on yesterday indefinitely postponed, and that that motion lie upon the table. The motion to lay upon the table prevailed.

Mr. Gudger moved that in order to carry into effect a resolution naming Friday and Saturday as the days for considering the private bills that a committee of two be appointed to separate the public and private bills on the Calendar. The motion prevailed, and the Chair appointed Messrs. Norwood and Grandy as said committee.

A message was received from the House of Representatives announcing that that body had concurred in Senate bill 291—A bill to be entitled an act to prevent the sale of spirituous liquor in the town of Shelby, Cleaveland county, and Senate resolution 271—Resolution raising a Joint Committee to Examine and Cancel Vouchers in the Auditor's Office, with certain amendments.

On motion, the Senate concurred in the House amendments, and the bills and resolution were ordered to be enrolled.

A message was also received from the House of Representatives asking for the return to that body of House bill 43—A bill to be entitled an act to exempt persons living in

adjoining counties from paying toll on the Western turnpike. The request of the message was complied with.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 478—A bill to be entitled an act to prevent the sale of spirituous liquors. Read and passed second time and referred to the Committee on Propositions and Grievances.

Senate resolution 477—Resolution for the relief of W. W. Holden. The resolution was read second time.

Mr. Love moved the previous question. The yeas and nays were ordered on demand of Mr. Avera, and the Senate refused to order the main question to be put. Yeas 11 nays 24.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Gudger, Love, Merrimon, Nicholson, Troy and Welch.—11.

*Negative*—Messrs. Allen, Cowles, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Harris, Hill, Holloman, Horton, Mabson, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Smith, Stafford, Walker and Worth—24.

Mr. Murphy moved that the resolution be referred to the Committee on Judiciary. The motion prevailed.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 459—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public debt. The bill was read second time.

Mr. Welch moved the previous question, and the Senate refused to order the main question to be put. On motion, the further consideration of the bill was postponed until 11½ A. M. to-morrow.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: Senate bill 321—A bill to be entitled an act to improve the agriculture of the State. The question first recurring on the amendment offered by Mr. Worth, it prevailed.

The question next recurring on the amendment offered by Mr. Merrimon, and pending its consideration, on motion, the Senate adjourned.

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## FORTY-EIGHTH DAY.

SENATE CHAMBER, February 6, 1873.

The Senate met pursuant to adjournment.

Mr. Allen in the Chair, President Brogden being detained from his seat by sickness.

The Senator from Duplin took the Chair.

The Journal of yesterday was read.

Mr. Murray presented a memorial from citizens of Alamance county concerning the valuation of real estate, which was referred to the Committee on Finance.

Mr. Flemming presented a petition from citizens of McDowell county in relation to the proposition to establish a new insane asylum, which was referred to the Committee on Insane Asylum.

Indefinite leave of absence was granted to Mr. Grandy on account of sickness in his family.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Allen—Senate bill 506—A bill to be entitled an act to amend the charter of the town of Statesville, with a recommendation that it do pass.

From Committee on Education:

By Mr. Ellis, of Catawba—Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872, with accompanying amendments.

From Committee on Corporations:

By Mr. Avera—Senate bill 522—A bill to be entitled an

act to incorporate "The Cape Fear and Peoples' Steamboat Company," with a recommendation that it do pass.

By Mr. Morehead, of Rockingham—Senate bill 480—A bill to be entitled an act to amend the charter of the town of Monroe, in the county of Union, with accompanying amendments.

By Mr. Welch—Senate bill —, House bill 295—A bill to be entitled an act to incorporate El Bethel Methodist Episcopal Church, South, in the county of Cleaveland, with a recommendation that it do pass.

Senate bill 577, House bill 239—A bill to be entitled an act to incorporate Eureka Lodge, No. 283, Ancient York Masons, with a recommendation that it do pass.

Senate bill 521, House bill 271—A bill to be entitled an act to incorporate Cleaveland Lodge, 702, Free and Accepted Masons, with a recommendation that it do pass.

Senate bill 504, House bill 272—A bill to be entitled an act to incorporate Monatau Lodge, No. 318, Free and Accepted Masons, with a recommendation that it do pass.

Senate bill 502, House bill 238—A bill to be entitled an act to incorporate the town of Huntersville, in Mecklenburg county, with a recommendation that it do pass.

Senate bill 490, House bill 260—A bill to be entitled an act to amend an act to incorporate the town of Boone, in Watauga county, with a recommendation that it do pass.

Senate bill 498, House bill 298—A bill to be entitled an act to incorporate the town of Stontonburgh, in Wilson county, with accompanying amendment.

Senate bill 518, House bill 150—A bill to be entitled an act to incorporate the town of Apex, with accompanying amendment.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives—House

bill 286—A bill to be entitled an act to empower the commissioners of the town of Lenoir, in Caldwell county, to sell certain lands. To the Committee on Propositions and Grievances.

House bill 309—A bill to be entitled an act to prohibit the sale of intoxicating liquors within three miles of Mount Pleasant Academy, Cherokee county. To the Committee on Propositions and Grievances.

House bill 322—A bill to be entitled an act to empower the county commissioners of Caldwell county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 275—A bill to be entitled an act to incorporate the North Carolina Mica Mining Company. To the Committee on Corporations.

House bill 364—A bill to be entitled an act to authorize the county commissioners of Lenoir county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 341—A bill to be entitled an act to authorize the commissioners of Moore county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 357—A bill to be entitled an act to authorize the surveyor of Graham county to survey lands within Graham county under warrants from the entry taker of Cherokee county, and for other purposes. To the Committee on Propositions and Grievances.

House bill 309—A bill to be entitled an act to re-enact an act entitled an act to incorporate the French Broad Turnpike Company. To the Committee on Corporations.

House bill 273—A bill to be entitled an act to authorize the commissioners of Harnett county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 292—A bill to be entitled an act to change the time for the meetings of the board of commissioners and county board of education of Carteret county. To the Committee on Education.

By Mr. Troy—A bill to be entitled an act to re-enact and

continue in force an act to empower the commissioners of Cumberland county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Respass—A bill to be entitled an act for the relief of Pamlico county. To the Committee on Propositions and Grievances.

A bill to be entitled an act for the better protection of the fishing interest in the waters of Neuse river. To the Committee on Propositions and Grievances.

By Mr. Love—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company. To the Committee on Internal Improvements.

By Mr. Barnhardt—A bill to be entitled an act to prevent the sale of spirituous liquors within one and a half miles of Harrisburg, in Cabarrus county. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Troy—Resolution in favor of Coleman Brothers. Referred to the Committee on Finance.

By Mr. Avera—Resolution in regard to tax of twenty-five dollars on acts of incorporation in certain cases.

A message was received from His Excellency, the Governor, covering a report from the Board of Public Charities.

Mr. Harris moved that the report be printed. The motion prevailed.

Mr. Troy moved that the message lie upon the table.

The question recurring on the motion to lay upon the table, the yeas and nays were ordered on demand of Mr. Harris, and the motion did not prevail. Yeas 16; nays 20.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Guder, Horton, Morehead of Rockingham, Murray, Nicholson, Norwood, Troy and Worth—16.

*Negative*—Messrs. Cowles, Cramer, Ellis of Catawba, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, Long,

Love, Mabson, Miller, Murphy, Powell, Respass, Smith, Walker and Welch—20.

Mr. Troy moved that the message be referred to the Committee on Agriculture.

Mr. Love moved that the further consideration of the subject be postponed until the first day of April.

Mr. Harris moved that the further consideration of the subject be postponed until the first day of June.

Pending the consideration the hour of 11½ A. M. arrived, and the Chair announced the special order for that hour, to-wit: Senate bill 459—A bill to be entitled an act to alter the Constitution of North Carolina relative to the public debt.

Mr. Welch moved that the consideration of the special order be postponed until the matter then under consideration was disposed of.

The motion prevailed, and the question then recurring on the motion of Mr. Harris to postpone the further consideration of the Governor's message until the first day of June next, it prevailed.

The Senate then proceeded to consider the special order, to-wit: Senate bill 459—A bill to be entitled an act to alter the Constitution of North Carolina relative to the public debt.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Humphrey, Long, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—35.

*Negative*—Messrs. Eppes, Grandy, Hill, Holloman, Hyman, Mabson, McCauley and Smith—8.

Thereupon the Chair announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 460—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the office of the Superintendent of Public Works.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Long, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—Messrs. Eppes, Grandy, Harris, Hill, Holloman, Hyman, Mabson, McCabe and Smith—9.

Thereupon the Chair announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate 461—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the Code Commissioners.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—Messrs. Grandy, Hill, Holloman, Hyman, Mabson, McCabe and Smith—7.

Thereupon the Chair announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 462—A bill to be entitled an act to alter the Constitution of North Carolina in relation to exemptions.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—Messrs. Eppes, Grandy, Hill, Holloman, Hyman, Mabson, McCabe and Smith—8.

Thereupon the Chair announced that the bill had passed its second reading in accordance with the 2nd section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 463—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the University.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Morehead of Rocking-

ham, Murphy, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32. 31

*Negative*—Messrs. Eppes, Grandy, Harris, Hill, Hyman, Long, Mabson, McCabe, Morehead of Guilford, and Smith—10.

Thereupon the Senator from Buncombe being in the chair, announced that the bill had passed its second reading in accordance with the 2nd section of the 13th article of the Constitution of the State.

Mr. Humphrey rose to the following point of order: That the 2nd section of the 13th article of the Constitution required that the bill should receive two-thirds of the whole representation in the Senate upon its second reading as well as upon its final passage, and that as the whole representation consists of 49 Senators, and the bill having received only 31 votes, the proposed alteration had not been agreed to in accordance with the provisions of the Constitution. The Chair decided the point of order not to be well taken.

From the decision of the Chair Mr. Humphrey appealed to that of the Senate.

The Chair having put the question, "Shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were ordered, and it was decided in the negative. Yeas 10; nays 27.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Ellis of Catawba, Gudger, Horton, Morehead of Guilford, Murphy, Murray and Troy—10.

*Negative*—Messrs. Allen, Barnhardt, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, Long, Love, Mabson, McCauley, Miller, Morehead of Rockingham, Nicholson, Norwood, Powell, Smith, Todd, Walker, Welch and Worth—27.

Thereupon, in compliance with the decision of the Senate, the Chair announced that the bill had failed to pass on its

second reading in accordance with the 2nd section of the 13th article of the Constitution.

Mr. Morehead, of Guilford, who voted on the prevailing side, moved to reconsider the vote by which Senate bill 463—A bill to be entitled an act to alter the Consitution of North Corolina failed to pass its second reading. The consideration of this motion was postponed and made special order for five minutes before 11 A. M. to-morrow.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 464—A bill to be entitled an act to alter the Constitution of North Carolina in relation to public schools and public instruction.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows :

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Stafford, Todd, Walker, Waring, Welch and Worth—31.

*Negative*—Messrs. Eppes, Grandy, Harris, Hill, Hyman, Long, Mabson, McCabe, Smith and Troy—10.

Thereupon the Chair announced that the bill had failed to pass its second reading in accordance with the 2nd section of the 13th article of the Constitution of the State.

Mr. Troy moved to reconsider the vote just had. The consideration of this motion was postponed and made special order for 11½ o'clock A. M. to-morrow.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 37—A bill to be entitled an act to incorporate Square Stone Lodge, No. 10, Ancient York Masons of the town of Warrenton. Taken up and referred to the Committee on Corporations.

Senate bill 100—A bill to be entitled an act making Hunting Creek a lawful fence, in the county of Davie. Taken up and referred to the Committee on Corporations.

Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law. Made special order for 11 A. M. of Monday next, and of each day thereafter until disposed of.

The Senate then adjourned.

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#### FORTY-NINTH DAY.

SENATE CHAMBER, February 7, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Love presented a petition from citizens of Transylvania county in relation to retailing ardent spirits near Little River Church, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Dunham—Senate bill 403—A bill to be entitled an act to amend the rules of pleading in justices, courts, with a recommendation that it do pass.

By Mr. Todd—Senate bill 382, House bill 144—A bill to be entitled an act to change the terms of the Superior Courts in the several counties composing the Tenth Judicial District, with an amendment in the nature of a substitute.

From the Committee on Internal Improvements:

By Mr. Gudger—Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being "an act to establish a turnpike road

from Marion, in the county of McDowell, to Asheville, in the county of Buncombe, with accompanying amendments.

By Mr. Morehead, of Rockingham—Senate bill 328, House bill 194—A bill to be entitled an act to incorporate the North Carolina Central Railway Company, with accompanying amendments.

From Committee on Corporations :

By Mr. Avera—Senate bill 483, House bill 200—A bill to be entitled an act to incorporate the Wilmington Trust Company and Savings Bank, with accompanying amendments.

Senate bill 492, House bill 261—A bill to be entitled an act to amend the charter of the city of Raleigh, with accompanying amendments.

From Committee on Claims :

By Mr. Troy—Senate resolution 437, House resolution 73—Resolution in favor of Arthur Dennis, with a recommendation that it do pass.

Senate resolution 438, House resolution 157—Resolution authorizing the Auditor to issue a duplicate warrant to the late county treasurer of Yadkin county, for the benefit of the common school fund of said county, with a recommendation that it do pass.

Senate resolution 496, House resolution 105—Resolution in favor of Samuel Reeves, Jr., John Beard and David L. Bringle, with a recommendation that it do pass.

From the Committee on the Deaf and Dumb :

By Mr. Cramer—Senate bill 485, House bill 391—A bill to be entitled an act to make appropriations for the year 1873 to the Deaf and Dumb and Blind Institute, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Worth—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Troy—A bill to be entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes. To the Committee on Propositions and Grievances.

By Mr. Powell—A bill to be entitled an act to incorporate the Roanoke Iron Company. To the Committee on Corporations.

By Mr. Cramer—A bill to be entitled an act to secure the proper indexing of the laws. To the Committee on Propositions and Grievances.

By Mr. Long—A bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of the town of Rockingham, in the county of Richmond. To the Committee on Propositions and Grievances.

By Mr. Cowles—A bill to be entitled an act to repeal an act entitled “an act to provide for the service of process issuing from courts of justices of the peace in civil causes where one or more of the defendants may reside out of the county in which the action is brought.” To the Committee on Judiciary.

By Mr. Troy—A bill to be entitled an act amendatory of an act entitled an act providing for a board of public charities, &c. To the Committee on Judiciary.

By message from the House of Representatives—House Bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house. To the Committee on Proposition and Grievances.

By Mr. Cunningham—A bill to be entitled an act to incorporate the Danville, Hillsboro and Lockville Railroad Company. To the Committee on Internal Improvements.

By Mr. Gudger—A bill to be entitled an act in relation to registers of deeds. To the Committee on Propositions and Grievances.

At five minutes before 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: The motion

of Mr. Morehead, of Guilford, to reconsider the vote by which Senate bill 463—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the University failed on yesterday to pass its second reading. The question being “shall the vote be reconsidered,” on motion, the consideration thereof was postponed until Monday at 12 M.

A message was received from the House of Representatives announcing that that body had concurred in Senate resolution 307—Resolution on adjournment with an amendment thereto. The question being “shall the Senate concur in the House amendment,”

Mr. Worth moved that it be laid upon the table. The motion to lay upon the table prevailed.

On motion, it was ordered that when private bills be passed on their second reading under a suspension of the rules, they be at once put upon their third reading unless it was objected to.

On motion, it was ordered that the 23d of the Senate rules of order requiring the yeas and nays on the final passage of bills, be suspended as to private bills.

A message was received from the House of Representatives informing the Senate that the House had passed resolutions impeaching Robert M. Henry, Solicitor of the Twelfth Judicial District, of high misdemeanors in office, and that in due time articles of impeachment would be presented at the bar of the Senate.

Mr. Allen moved that a message be sent to the House of Representatives notifying that body that the Senate would receive the managers on the part of the House with articles of impeachment at such time as the House might choose to select.

Mr. Merrimon moved to amend by striking out all after “impeachment” and inserting the words, “on the fourth Monday of November next.”

The question recurring on the amendment offered by Mr.

Merrimon, the yeas and nays were ordered on demand of Mr. Cunningham, and it prevailed. Yeas 24 nays 13.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Gudger, Holloman, Horton, Humphrey, Long, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Troy and Walker—24.

*Negative*—Messrs. Allen, Avera, Dunham, Ellis of Columbus, Eppes, Flemming, Hyman, Mabson, McCauley, Murphy, Smith, Todd and Worth—13.

Mr. Humphrey moved to reconsider the vote just had.

The yeas and nays were ordered on demand of Mr. Cunningham, and the motion to reconsider prevailed. Yeas 21; nays 16.

*Affirmative*—Messrs. Allen, Avera, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Humphrey, Hyman, Love, Mabson, McCauley, Murphy, Murray, Norwood, Powell, Smith, Todd and Worth—21.

*Negative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Gudger, Holloman, Horton, Long, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Respass and Walker—16.

The question then again recurring on the amendment offered by Mr. Merrimon, it was withdrawn by consent.

Mr. Todd moved an amendment in the nature of a substitute for the motion of Mr. Allen that a message be sent to the House of Representatives informing that body that the Senate had received their message in reference to the impeachment of Robert M. Henry. The amendment prevailed.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill 528, House bill 194—A bill to be entitled an act to incorporate the North Carolina Central Railway Company. Made special order for 12 M. of the 13th instant.

Senate bill 396, House bill 95—A bill to be entitled an

act to amend an act to carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turn-pike road from Marion, in the county of McDowell, to Asheville, in the county of Buncombe." Made special order for 12 M. of the 12th instant.

Senate bill 17—An act to be entitled an act authorizing the county commissioners of the county of Davidson to sell at public sale public grounds in the town of Lexington, the proceeds of the same to be applied in the liquidation of the debt of said county. Laid on the table.

Senate bill 73—A bill to be entitled an act in relation to Superior Courts in Clay, Graham and Swain counties. Laid on the table.

Senate bill 85—A bill to be entitled an act to authorize certain counties to subscribe to the capital stock and issue bonds to the New York, Norfolk and Charleston Railway Company. Laid on the table.

Senate bill 87—A bill to be entitled an act to incorporate the North Carolina Construction Company. Laid on the table.

Senate bill 96, House bill 69—A bill to prohibit the hunting of deer in the counties of Henderson and Transylvania. Laid on the table.

Senate bill 145—A bill to be entitled an act to amend chapter 182, laws of 1871-'72. Laid on the table.

Senate bill 214, House bill 105—A bill to be entitled an act to discontinue the public highway from Salem to Moses Stewart's, in Forsythe county. Read and passed second and third times.

Senate bill 98—A bill to be entitled an act to incorporate Selma Lodge, No. 320, Free and Accepted Masons. Read and passed second and third times.

Senate resolution 185—House resolution 16—Resolution in favor of A. S. Hill, sheriff of Cherokee county. The resolution was read second time. The amendment offered by the Committee on Propositions and Grievances prevailed,

and the resolution passed second time. The resolution was then read and passed third time.

Senate bill 522—A bill to be entitled an act to incorporate the "Cape Fear and Peoples' Steamboat Company." Read and passed second and third times, and Senate bill — ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 217, House bill 109—A bill to be entitled an act to levy a special tax in the county of Bladen. The bill was read second time.

Mr. Cunningham moved to amend by adding to section 1 the following: "*Provided*, That the proposition herein contained shall first be submitted to the qualified voters of said county at an election to be held in the same manner as elections for the General Assembly."

Mr. Love moved to recommit to the Committee on Propositions and Grievances. The motion to recommit prevailed.

Senate resolution 451—Resolution of regret and indignation at the corrupt and fraudulent practices of certain members of the Congress of the United States, recently brought to the attention of the public. Read and rejected. Yeas 16; nays 20.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Miller, Morehead of Rockingham, Nicholson, Powell, Stafford, Todd, Troy, Welch and Worth—16.

*Negative*—Messrs. Allen, Cramer, Cunningham, Davis, Dunham, Eppes, Flemming, Gudger, Hill, Holloman, Hyman, Long, Love, Mabson, Murphy, Murray, Norwood, Respass, Smith and Walker—20.

Senate bill 184—A bill to be entitled an act to authorize a special tax in Beaufort county. Read and passed second time. Yeas 25; nays 9.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Harris, Hill,

Holloman, Long, Mabson, McCauley, Miller, Murphy, Murray, Nicholson, Respass, Smith, Stafford, Troy, Walker, Welch and Worth—25.

*Negative*—Messrs. Allen, Cowles, Cunningham, Gudger, Horton, Love, Morehead of Rockingham, Norwood and Todd—9.

Senate bill 109—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax. The bill was read second time. The amendment offered by the committee prevailed, and the bill passed second time. Yeas 23; nays 8.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Hill, Horton, McCauley, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Stafford, Todd, Troy, Walker and Worth—23.

*Negative*—Messrs. Allen, Dunham, Holloman, Hyman, Love, Mabson, Merrimon and Respass—8.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend the charter of the Cape Fear Iron and Steel Company.

An act to incorporate the North Carolina Steel Rail Company.

An act to prohibit the sale of spirituous liquors in the town of Shelby, Cleaveland county.

An act to amend the charter of the North Carolina Spoke and Handle Manufacturing Company.

Resolution raising a Joint Committee to Examine and Cancel Vouchers in the Auditor's office.

Resolution in favor of James McQueen, of Robeson county.

Mr. Troy moved that when the Senate adjourn it adjourn until 7½ o'clock this evening. The motion prevailed.

The Senate then adjourned.

## EVENING SESSION.

7½ O'CLOCK, P. M.

The Senate resumed the consideration of the Calendar of private bills, and the following bills and resolutions were, under a suspension of the rules, read and passed second and third times.

Senate bill 221—A bill to be entitled an act in relation to Pamlico county.

Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company, of Charlotte; N. C.

Senate bill 239, House bill 163—A bill to be entitled an act to empower the commissioners of Caldwell county to sell certain lands.

Senate bill 249, House bill 172—A bill to be entitled an act to repeal chapter 146 of the laws of 1870 and 1871, entitled an act to construct a road through the county of Ashe.

Senate bill 303, House bill 140—A bill to be entitled an act to incorporate King Solomon Lodge, No. 313, Free and Accepted Masons, of Robeson county.

Senate bill 312, House 118—A bill to be entitled an act to incorporate Seaton Gales Lodge, No. 64, Raleigh, N. C.

Senate bill 335—A bill to be entitled an act for the relief of Mike Woods.

Senate bill 346, House bill 8—A bill to be entitled an act for the appointment of an additional constable for the town of Charlotte.

The following named bills were read and laid on the table:

Senate bill 287—A bill to be entitled an act to authorize the sheriff of Edgecombe county to collect arrears of taxes.

Senate bill 263—A bill to be entitled an act to provide for a special rate of interest.

Senate bill 291, House bill 93—A bill to be entitled an act to incorporate the Northern and Southern Telegraph Company.

Senate bill 310, House bill 211—A bill to be entitled an act to incorporate the Mechanics' and Laborers' Mutual Aid Society of North Carolina.

Senate bill 325—A bill to be entitled an act to lay off a new county by the name of Core.

The following named bills were disposed of, as follows:

Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville. Read second time. The amendment offered by the committee prevailed, and the bill passed second time. The bill was read third time.

Mr. Todd moved to amend by adding to section 10 the following: "*Provided*, That nothing herein contained shall be construed so as to allow a greater rate of interest than is now required by law." The yeas and nays were ordered, and the amendment prevailed. Yeas 17; nays 9.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Love, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Todd and Welch—17.

*Negative*—Messrs. Ellis of Columbus, Gudger, Holloman, Hyman, Long, Respass, Stafford, Troy and Worth—9.

The bill then passed third time.

Senate bill 361—A bill to be entitled an act to authorize the commissioners of the town of Washington to levy a special tax to purchase fire engines, &c. Read second time. The amendment, in the nature of a substitute, offered by the committee, prevailed.

Mr. Love moved to amend by adding to section 1: "*Provided*, The constitutional equation shall be observed between polls and property." The amendment prevailed, and the bill passed second time. Yeas 18; nays 9.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Holloman, Long, Love, McCotter, Miller, Morehead of Guilford, Respass, Stafford, Todd, Welch and Worth—18.

*Negative*—Messrs. Allen, Barnhardt, Gudger, Hyman, McCauley, Merrimon, Murray, Nicholson and Troy—9.

Senate bill 277—A bill to be entitled an act to incorporate Mount Prospect Camp Ground, in the county of Union. The bill was read second time.

Mr. McCauley offered an amendment in the nature of a substitute, which prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 298, House bill 212—A bill to be entitled an act to change the name of the town of Boone Hill, in Johnston county, to Princeton, and prohibit the sale of liquors therein. Read and passed second time. The bill was read second time.

Mr. Merrimon moved to amend by striking out “six months” and inserting “thirty days.” The amendment prevailed, and the bill passed third time.

The Senate then adjourned.

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## FIFTIETH DAY.

SENATE CHAMBER, February 8, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Troy presented a petition from citizens in Cumberland county asking the prohibition of the sale of intoxicating liquors within one and a half miles of Manchester in said county, which was referred to the Committee on Propositions and Grievances.

The Chair announced a communication from the Secretary and Treasurer of the University of North Carolina, which was read and ordered to be transmitted to the House of Representatives.

Leave of absence was granted to Mr. Merrimon for eleven days, from and after Monday next.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Avera—Senate bill 482, House bill 285—A bill to be entitled an act to levy a special tax for Greene county, with a recommendation that it do pass.

Senate bill 503, House bill 284—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax, with a recommendation that it do pass.

Senate bill 510, House bill 247—A bill to be entitled an act to authorize the commissioners of Granville county to levy a special tax, with a recommendation that it do pass.

Senate bill 486, House bill 242—A bill to be entitled an act to authorize the commissioners of Person county to levy a special tax, with a recommendation that it do pass.

Senate bill 484, House bill 259—A bill to be entitled an act to levy a special tax in the county of Currituck, with a recommendation that it do pass.

Senate bill 505, House bill 251—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell certain stocks held by said county, and for other purposes, with a recommendation that it do pass.

Senate bill —, House bill 341—A bill to be entitled an act to authorize the commissioners of Moore county to levy a special tax, with a recommendation that it do pass.

Senate bill 495, House bill 132—A bill to be entitled an act to authorize the commissioners of the county of Swain to levy a special tax, with a recommendation that it do pass.

Senate bill 514, House bill 356—A bill to be entitled an act concerning Stanley Creek Camp Ground, Gaston county, and incorporate a board of trustees thereof, with a recommendation that it do pass.

By Mr. Love—Senate bill 513, House bill 245—A bill to be entitled an act to change the name of Franklinsville

township, in the county of Randolph, with a recommendation that it be laid upon the table.

Senate bill 164—A bill to be entitled an act to change the dividing line between Granville and Franklin counties, with a recommendation that it do pass.

Senate bill 525, House bill 364—A bill to be entitled an act to authorize the county commissioners of Lenoir county to levy a special tax, with a recommendation that it do pass.

Senate bill 528, House bill 322—A bill to be entitled an act to empower the commissioners of Caldwell county to levy a special tax, with a recommendation that it do pass.

Senate bill 524—A bill to be entitled an act for the relief of Pamlico county, with recommendations that it do pass.

Senate bill 523—A bill to be entitled an act to re-enact and continue in force an act to empower the commissioners of Cumberland county to levy a special tax, with a recommendation that it do pass.

Senate bill 522, House bill 323—A bill to be entitled an act to authorize the county commissioners of Harnett to levy a special tax, with a recommendation that it do pass.

Senate bill 217, House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen, with accompanying amendments.

From the Committee on Judiciary:

By Mr. Gudger—Senate bill 418—A bill to be entitled an act to amend chapters 167 and 135, public laws of North Carolina, concerning idiots and lunatics, with an amendment in the nature of a substitute.

Senate bill 401—A bill to be entitled an act to amend title 14, chapter 2, section 319 of the Code of Civil Procedure, with an amendment in the nature of a substitute.

By Mr. Dunham—Senate bill 89—A bill to be entitled an act to revive an act to incorporate the Bank of Raleigh, with an amendment in the nature of a substitute.

From the Committee on Claims:

By Mr. Flemming—Resolution in favor of M. A. Bledsoe, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By the Committee on Agriculture—A bill to be entitled an act to amend an act ratified the 12th day of February, 1872, entitled an act to prevent fraud in the sale of commercial manures. Placed on the Calendar.

By the Committee on Judiciary—A bill to be entitled an act concerning the rate of interest. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows :

By message from the House of Representatives—House resolution 117—Resolution in favor of James C. McGowan. Referred to the Committee on Claims.

By Mr. Waring—Resolution of instruction to the Committee on Finance concerning poll tax. Adopted.

Mr. Troy moved to reconsider the vote by which Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville passed its third reading on yesterday. The motion prevailed.

Mr. Nicholson moved to reconsider the vote by which the amendment offered by Mr. Todd to the bill was adopted.

Mr. Troy moved that the consideration of that motion be postponed to 11 A. M. of the 14th instant, and made special order for that hour. The motion to postpone and make special order prevailed.

Mr. Respass, by consent, withdrew from the files of the Senate bill 325—A bill to be entitled an act to lay off a new county by the name of Core.

On motion, the order heretofore had, making the several bills to alter the Constitution of North Carolina the special order for 11½ A. M. of each day until the same were disposed of, was suspended for the day.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 429—A bill to be entitled an act to incorporate the trustees of the Marion Baptist Church. Read and passed second and third times.

Senate bill 428—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh. Made special order for 11 A. M. of the 14th day of February, 1873.

Senate bill 407—A bill to be entitled an act to incorporate the Haw River and New Hope Transportation and Manufacturing Company. The bill was read second time. The amendment offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 413—A bill to be entitled an act to incorporate the Old North State Lumber, Mining and Manufacturing Company. Read and passed second and third times.

Senate bill 374, House bill 246—A bill to be entitled an act to incorporate the Farmers' Loan Bank. Read and passed second time, and recommitted to the Committee on Corporations.

Senate bill 184—A bill to be entitled an act to authorize a special tax in Beaufort county. The bill was read third time. The amendment offered by the Committee on Propositions and Grievances prevailed.

Mr. Respass moved to amend by striking out the word "five" and inserting the word "seven." The amendment prevailed, and the bill passed third time. Yeas 24; nays 8.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Fleming, Harris, Hill, Holloman, Hyman, Long, McCotter, Morehead of Guilford, Murray, Norwood, Respass, Stafford, Todd, Troy, Walker, Welch and Worth—24.

*Negative*—Messrs. Allen, Gudger, Love, Mabson, Morehead of Rockingham, Nicholson, Smith and Waring—8.

Senate bill 6—A bill to be entitled an act to amend the charter of the town of Statesville. Read third time and rejected. Yeas 11; nays 22.

*Affirmative*—Messrs. Barnhardt, Cowles, Ellis of Columbus, Horton, McCauley, Morehead of Rockingham, Nicholson, Stafford, Troy, Waring and Worth—11.

*Negative*—Messrs. Allen, Cramer, Cunningham, Davis, Dunham, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, Long, Love, Mabson, McCotter, Merrimon, Norwood, Respass, Smith, Todd and Walker—22.

Senate bill 361—A bill to be entitled an act to authorize the commissioners of the town of Washington to levy a special tax to purchase fire engines, &c. Read and passed third time. Yeas 17; nays 10.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Hill, Holloman, Horton, McCauley, Murray, Norwood, Powell, Todd and Walker—17.

*Negative*—Messrs. Barnhardt, Gudger, Hyman, Love, Mabson, Merrimon, Morehead of Rockingham, Nicholson, Waring and Worth—10.

Senate bill 109—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax. Read and passed third time. Yeas 25; nays 5.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Hyman, McCauley, McCotter, Murray, Nicholson, Norwood, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—25.

*Negative*—Messrs. Allen, Love, Mabson, Morehead of Rockingham, and Smith—5.

Senate bill 508, House 43—A bill to be entitled an act to amend an act relative to the Western Turnpike Road, &c., ratified the 17th day of March, 1869. Taken up and referred to the Committee on Propositions and Grievances, the

reference of the bill to the Committee on Internal Improvements being stricken out.

Senate 150, House bill 86—A bill to be entitled an act in reference to executors and administrators who resided in that part of Northampton county which was afterwards annexed to the county of Hertford. Read and passed second and third times.

Senate bill 375—A bill to be entitled an act to amend an act entitled “an act to incorporate the town of Catawba Vale, in the county of McDowell. Read and passed second and third times.

Senate resolution 381, House resolution 4—Resolution in favor of the sureties of Jesse Sumner, sheriff of Buncombe, in the year 1869. The resolution was read second time. The amendments offered by the Committee on Propositions and Grievances prevailed, and the resolution passed second time. The resolution was then read and passed third time.

Senate bill 311—A bill to be entitled an act for the relief of John G. Williams.

The question recurring on the passage of the bill on its second reading, Mr. Cowles moved to amend by adding the following proviso: “*Provided*, Nothing herein contained shall be so construed as to transfer to the said John G. Williams more than fifty-six one hundredths of the said land.” The amendment did not prevail.

Mr. Norwood moved to amend by inserting after the words “fee simple” the words by a “quit claim deed only.” The amendment prevailed.

Mr. Norwood moved to amend by adding the following to come in as an additional section: “That the said John G. Williams, before the delivery to him of the said deed, shall make and deliver a bond with security satisfactory to the Attorney General, payable to the State, indemnifying the State against all loss or damage arising from the passage of this bill and the execution of said deed to him.”

Senate resolution 370, House resolution 35—Resolution in

favor of James M. Young, sheriff of Buncombe county. The resolution was read second time.

Mr. Merrimon moved to amend by striking out the word "February" and inserting the word "March," and by striking out the words "20th of January" and inserting the words "1st of March." The amendment prevailed.

Mr. Merrimon moved further to amend by adding the following to section 1: "*Provided further*, Nothing herein contained shall have the effect to relieve the said sheriff from the payment of the costs of the judgment against him in the Superior Court of Wake county. The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

Resolution in regard to tax of twenty-five dollars on acts of incorporation in certain cases. The resolution was read.

Mr. Troy moved to amend by adding the following: "And in all such cases where the money has been paid it shall be returned to the party paying the same." The amendment did not prevail.

Mr. Mabson moved to amend by inserting after the word "agricultural" the words "fire and hose." The amendment prevailed.

Mr. Harris moved to amend by adding the following: "All other companies, the object of which is not to make money."

The amendment prevailed, and the question recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Cowles, and it was rejected. Yeas 12; nays 24.

*Affirmative*—Messrs. Cramer, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, Morehead of Guilford, Respass, Smith and Walker—12.

*Negative*—Messrs. Allen, Barnhardt, Cowles, Davis, Dunham, Cunningham, Ellis of Catawba, Flemming, Gudger, Love, Cauley, McCotter, Merrimon, Miller, Morehead of

Rockingham, Muray, Nicholson, Norwood, Powell, Stafford, Todd, Troy Waring and Welch—24.

Senate bill 395, House bill 147—A bill to be entitled an act to allow the commissioners of Columbus county to levy a special tax. Read and passed second time. Yeas 24; nays 5.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Hill, Holloman, McCauley, McCotter, Murray, Nicholson, Norwood, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—24.

*Negative*—Messrs. Allen, Dunham, Gudger, Love and Merrimon—5.

Mr. Troy moved to amend the amendment by inserting after the word "bond" the words "not to exceed five thousand dollars." The amendment to the amendment did not prevail, and the question recurring on the amendment, it did not prevail. The bill then passed second time. The bill was read third time.

Mr. Respass moved to amend by striking out the preamble. The amendment prevailed, and the question recurring on the passage of the bill, the yeas and nays were ordered on demand of Mr. Cowles, and it passed third time. Yeas 18; nays 10.

*Affirmative*—Messrs. Davis, Dunham, Ellis of Columbus, Harris, Hill, Hyman, Love, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Norwood, Stafford, Todd, Troy, Walker, Welch and Worth—18.

*Negative*—Messrs. Cowles, Cramer, Cunningham, Gudger, Holloman, Horton, Long, McCotter, Nicholson and Respass—10.

A message was sent to the House of Representatives informing that body that the Senate had received its message in relation to the impeachment of Robert M. Henry.

A message was sent to the House of Representatives trans-

mitting a communication from the Secretary and Treasurer of the University of North Carolina.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 522—A bill to be entitled an act to incorporate the Cape Fear and Peoples' Steamboat Company.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to allow enterers of vacant lands further time to obtain grants from the State.

The Senate than adjourned.

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## FIFTY-FIRST DAY.

SENATE CHAMBER, February 10, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Indefinite leave of absence was granted to Mr. King on account of protracted sickness.

Reports from standing committees were submitted as follows :

From Committee on Propositions and Grievances :

By Mr. Love—Senate bill 321—A bill to be entitled an act supplemental to "an act to lay off and establish the new county of Core," with a recommendation that it not pass.

From the Committee on Corporations :

By Mr. Welch—Senate bill 446—A bill to be entitled an act to amend the charter of the town of Beaufort, with a recommendation that it do pass.

Senate bill 536, House 275—A bill to be entitled an act to incorporate the North Carolina Mica Mining Company, with a recommendation that it do pass.

Senate bill 538—A bill to be entitled an act to incorporate the Roanoke Iron Company, with a recommendation that it do pass.

Senate bill 487, House bill 119—A bill to be entitled an act to incorporate the Belle Cove Oyster Company, with a recommendation that it do pass.

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham—Senate bill 525—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company, with a recommendation that it do pass.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to empower the commissioners of Caldwell county to sell certain lands.

An act to incorporate the town of Jackson, in the county of Northampton.

An act to repeal chapter 146, laws of 1870-'71.

An act for the appointment of an additional constable for the town of Charlotte.

An act to incorporate the Chapel Hill Iron Mountain Railroad Company.

An act to incorporate Seaton Gales Lodge, No. 64, Independent Order of Odd Fellows, Raleigh.

An act to incorporate King Solomon Lodge, No. 313, Free and Accepted Masons, in Robeson county.

An act to discontinue a public highway from Salem to Moses Stewart's, in Forsythe county.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed

Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 391—A bill to be entitled an act to incorporate Mount Prospect Camp Ground, in Union county.

Amendments to Senate resolution 185, House resolution 16—Resolution in favor of A. S. Hill, sheriff of Cherokee county.

Senate bill 221—A bill to be entitled an act in relation to Pamlico county.

Senate bill 335—A bill to be entitled an act for the relief of Mike Woods.

Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company of Charlotte, North Carolina.

Amendments to Senate bill 298, House bill 212—A bill to be entitled an act to change the name of the town of Boone Hill, Johnston county, and to prohibit the sale of liquors therein.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Avera—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Clayton, in Johnston county. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Troy—Resolution of request to the Treasurer of the State concerning money paid to G. W. Welker, Esq. Adopted.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution 438, House resolution 157—Resolution authorizing the Auditor to issue a duplicate warrant for \$340 to the late county treasurer of Yadkin county for the benefit of the school fund of said county. Read and passed second and third times.

Senate bill 506—A bill to be entitled an act to amend the charter of the town of Milton. Read and passed second and third times, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence :

Senate resolution 103—Resolution asking our Representatives in Congress to use their influence to secure pensions to the soldiers of the war with Mexico. Read and adopted.

Senate bill 72—A bill to be entitled an act to amend section 66 of chapter 113 of the acts of 1868-'69. Read and passed second time.

Senate bill 111—A bill to be entitled an act requiring clerks of Superior Courts to have their offices open every Monday. Laid on the table.

Senate resolution 107, House resolution 43—Resolution requesting our Representatives in Congress to use their influence to have the revenue laws amended. Laid on the table.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit : Senate bill 421, House bill 107—A bill to be entitled an act to amend the school law, ratified the 12th day of February, 1872.

On motion, it was ordered that the bill be read by sections. The first, second, third, fourth, fifth, sixth, seventh and eighth sections were severally read and agreed to. The ninth section was read. The amendment offered by the committee prevailed, and the section was agreed to. The tenth, eleventh and twelfth sections were severally read and agreed to. The thirteenth section was read. The amendment offered by the Committee on Education prevailed.

Mr. Welch moved an amendment in the nature of a substitute. The amendment prevailed, and the section as amended by the substitute was agreed to. The fourteenth section was read.

Mr. Welch moved to amend by striking out in 11th line the words, "mathematics and classes," and inserting the word "English." The amendment prevailed.

Mr. Love moved to amend by striking out after the word "grades," in line 9, to and including the word "grade" in line 10. The amendment did not prevail.

Mr. Dunham moved to amend by inserting after the word "conduct," in line 22, the following: "or is neglectful of or in any way incompetent to the discharge of the duties of a teacher." The amendment prevailed.

Mr. Avera moved to amend by adding the following to the section: "*Provided*, That no person shall be deemed qualified to teach a common school who cannot write a legible hand, read and punctuate correctly in ordinary English, and who cannot correctly teach simple and compound interest in practical arithmetic." The amendment did not prevail.

Mr. Todd moved to amend the section by adding thereto the following: "The certificate shall be in form as follows:

COMMON SCHOOL TEACHER'S CERTIFICATE.

.....grade.

We certify that we have examined....., and being satisfied as to ..... moral character, do certify that ..... is qualified to teach the following branches as indicated by the numbers thereto attached; No. 1 indicates the highest grade, No. 5 the lowest grade.....

Good for one year from date in ..... county, unless sooner revoked.

..... }  
 ..... } *Board Exam'rs.*  
 .....

The amendment did not prevail. The fifteenth section was read.

Mr. Welch moved to amend by inserting after the word

"the" in line 1, the words, "chairman of the." The amendment did not prevail, and the section was agreed to.

The twenty-first section was read.

The sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections were severally read and agreed to.

Mr. Murray moved to amend by striking out the word "county," and insert "township." The amendment prevailed, and the section was agreed to.

The 22d section was read. The amendment offered by the committee prevailed, and the section was agreed to.

The 23d and 24th sections were severally read and agreed to.

Mr. Welch moved to amend by inserting the word "grade" after the word "first," in line 5. The amendment prevailed.

Mr. Worth moved to amend by inserting the words "out of the school fund" after the word "receive," in line 5. The amendment prevailed.

Mr. Troy moved to amend by adding the following: "Nor shall any committeeman in any way be interested, by contract or otherwise, in the erection or repairing of any school-house in his district. The amendment prevailed.

Mr. Nicholson moved to amend by striking out all after the word "same" in line 4, down to the word "but" in line 6. The yeas and nays were ordered on demand of Mr. Avera, and the amendment did not prevail. Yeas 7; nays 27.

*Affirmative*—Messrs. Avera, Cowles, Horton, Hyman, Long, Nicholson and Waring—7.

*Negative*—Messrs. Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Hill, Holloman, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Norwood, Powell, Price, Respass, Smith, Todd, Troy, Walker, Welch and Worth—27.

The section was then agreed to.

The twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth sections were severally read and agreed to.

The thirtieth section was read.

Mr. Welch moved to amend by striking out the words "as amended in" in line 20, and inserting the word "of" in lieu of the same. The amendment prevailed.

Mr. Troy moved to amend by inserting the following after the word "county," in line 13: "And in making such apportionment the said board shall charge each school district with the amount such school district has received under the provisions of chapter 189, laws of 1871 and 1872.

The yeas and nays were ordered on demand of Mr. Cowles, and the amendment prevailed. Yeas 27; nays 5.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Love, McCauley, McCotter, Miller, Murray, Nicholson, Powell, Respass, Smith, Stafford, Troy, Walker and Waring—27.

*Negative*—Messrs. Allen, Dunham, Morehead of Rockingham, Todd and Worth—5.

The section was then agreed to.

The Senate then adjourned.

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## FIFTY-SECOND DAY.

SENATE CHAMBER, February 11, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Avera presented a petition praying that no action be taken in relation to the sale of spirituous liquor in Clayton, which was referred to the Committee on Propositions and Grievances.

Mr. Long presented a petition from certain citizens in regard to the sale of spirituous liquors, which was referred to the Committee on Propositions and Grievances.

Mr. Waring asked and obtained leave to have his name recorded in the affirmative, and Mr. McCabe asked and obtained leave to have his name recorded in the negative on the several votes had on the 6th instant, on the several bills to alter the Constitution of North Carolina.

Reports from standing committees were submitted as follows :

From Committee on Judiciary :

By Mr. Dunham—Senate bill 456—A bill to be entitled an act to provide for two additional terms of the Superior Court for the county of Edgecombe, with a recommendation that it do pass.

Senate bill 453—A bill to be entitled an act for the promotion of stock raising, with a recommendation that it be referred to the Committee on Internal Improvements. The recommendation of the committee was concurred in.

By Mr. Gudger—Senate bill 402—A bill to be entitled an act to amend “an act to amend chapter 186, of the private acts of 1861,” being an act to incorporate “The Wilmington and Wrightsville Turnpike Company,” with accompanying amendment.

By Mr. Todd—Senate bill 417—A bill to be entitled an act in regard to the public administrators, with a recommendation that it do pass.

Senate bill 431—A bill to be entitled an act to amend chapter 203, acts of 1868-'69, with a recommendation that it do not pass.

Senate bill 362, House bill 65—A bill to be entitled an act to appoint a public guardian, with a recommendation that it do not pass.

Senate bill 454—A bill to be entitled an act to repeal sections 1, 2, 3, 4, 5, 6 and 7, of an act concerning the estates of deceased persons, ratified the 6th day of April, A. D. 1869, with a recommendation that it do not pass.

By Mr. Flemming—Senate bill 338—A bill to be entitled an act to allow certain real estate to be sold under execution

to be redeemable in twelve months upon certain conditions, with a recommendation that it do not pass.

Senate bill 325—A bill to be entitled an act to amend the law relating to executions, with a recommendation that it do not pass.

By Mr. Gudger—Senate bill 439—A bill to be entitled an act to repeal sub-chapter 1, of chapter 113, laws of 1868-'69, with a recommendation that it do not pass.

From the Committee on Propositions and Grievances :

By Mr. Love—Senate bill 339—A bill to be entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes, with accompanying amendments.

Senate bill 337—A bill to be entitled an act to change the line between the counties of Cumberland and Bladen, with a recommendation that it do not pass.

Senate bill 523—A bill to be entitled an act for the better protection of the fishing interest in the waters of Neuse river, with accompanying amendments.

Senate bill 535—A bill to be entitled an act to secure the proper indexing of the laws, with a recommendation that it do not pass.

Senate bill 531—A bill to be entitled an act in relation to registers of deeds, with a recommendation that it do pass.

By Mr. Avera—Senate bill 540—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax, with a recommendation that it do pass.

Senate bill 533, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house, with accompanying amendments.

From the Committee on Insane Asylum :

By Mr. Ellis, of Columbus—Senate bill 331—A bill to be entitled an act to establish a hospital for the insane in North Carolina, with accompanying amendment.

Senate bill 231—A bill to be entitled an act to establish

at Wilmington, North Carolina, a branch of the insane asylum of North Carolina, with a recommendation that it do not pass.

Senate bill 198—A bill to be entitled an act to establish a chronic insane asylum at or near the town of Charlotte.

From the Committee on Agriculture:

By Mr. Norwood—Senate bill 383—A bill to be entitled an act to aid planters, miners, mechanics, manufacturers and others in the prosecution of their respective callings, with a recommendation that it be referred to the Committee on Judiciary. The recommendation was concurred in.

From the Committee on Corporations:

By Mr. Gudger—Senate bill 523, House bill 369—A bill to be entitled an act to re-enact an act entitled an act to incorporate the French Broad Turnpike Company, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham—Senate bill 425—A bill to be entitled an act to incorporate the Great Western Air-Line Railway Company, with a recommendation that it do pass.

From the Committee on Finance:

By Mr. Worth—Senate resolution 530—Resolution in favor of Coleman Brothers, with a recommendation that it do pass.

Senate resolution 535—Resolution of instruction to the Committee on Finance concerning poll tax, with a recommendation that it be referred to the Committee on Judiciary. The report of the committee was concurred in.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Cunningham—A bill to be entitled an act to prohibit the sale of spirituous liquors within one half mile of the fair grounds of the Roanoke and Tar River Agricultural Society. To the Committee on Propositions and Grievances.

By the Committee on Judiciary :

A bill to be entitled an act concerning conveying convicts, &c. Placed on the Calendar.

By Mr. Ellis, of Columbus—A bill to be entitled an act to incorporate the town of Lockville, in the county of Chatham. To the Committee on Corporations.

By Mr. Dunham—A bill to be entitled an act to amend sections 264, 265, 270 and 273 of the Code of Civil Procedure. To the Committee on Judiciary.

By the Committee on Propositions and Grievances—A bill to be entitled an act in relation to the sale of ardent spirits. Placed on the Calendar and ordered to be printed.

By message from the House of Representatives—House bill 319—A bill to be entitled an act to amend chapter 27, private laws 1871-'72, and to re-enact chapter 123, private laws 1869-'70, sections 8 and 11. To the Committee on Judiciary.

House bill 410—A bill to be entitled an act to incorporate the Raleigh Bucket Company, No. 1. To the Committee on Corporations.

House bill 116—A bill to be entitled an act to amend section 2, chapter 95, laws of 1871-'72. To the Committee on Judiciary.

House bill 333—A bill to be entitled an act to incorporate the Stowe Falls Manufacturing Company. To the Committee on Corporations.

House bill 377—A bill to be entitled an act to amend "an act to incorporate the Peoples' Building and Loan Association of Asheville." To the Committee on Corporations.

House bill 417—A bill to be entitled an act to extend the limits of the town of Wadesboro, Anson county. To the Committee on Corporations.

House bill 283—A bill to be entitled an act to repeal chapter 61, private laws of 1870-'71. To the Committee on Judiciary.

House bill 284—A bill to be entitled an act to authorize

the commissioners of Montgomery county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 396—A bill to be entitled an act to incorporate the Onslow County Agricultural Society. To the Committee on Agriculture.

House bill 381—A bill to be entitled an act to incorporate White Hill Lodge, No. 321, Ancient Free and Accepted Masons, in Moore county. To the Committee on Corporations.

House bill 332—A bill to be entitled an act to incorporate the town of Pineville, in Mecklenburg county. To the Committee on Corporations.

House bill 352—A bill to be entitled an act to incorporate Danbury Lodge, No. 323, Free and Accepted Masons, at Danbury, Stokes county, North Carolina. To the Committee on Corporations.

Mr. Love, from the Committee on Propositions and Grievances, presented a bill as a substitute for Senate bill 501, House bill 206—A bill to be entitled an act making indictable the felling of trees in either fork of Horse creek, in Ashe county, and for all other bills of a similar character. Also a bill as a substitute for Senate bill 100, House bill 66—A bill to be entitled an act making Hunting Creek a lawful fence in the county of Davie, and for all other bills of a similar character.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Welch—Resolution of instruction to the Committee on the Lunatic Asylum. Adopted.

By Mr. Miller—Resolution in favor of J. A. Manton, of Cleveland county. Referred to the Committee on Claims.

By Mr. Flemming—Resolution directing and authorizing the Treasurer in certain matters. Made special order for 10½ A. M. of the 12th instant.

By message from the House of Representatives—House resolution 26—Resolution in favor of J. C. Brewster. Referred to the Committee on Claims.

House resolution 188—Resolution confirming contract with Patrick McGowan. Concurred in.

A message was received from the House of Representatives transmitting a report from the Joint Select Committee to Investigate Charges Against the Keeper of the Capitol, which was received, read and concurred in.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill 452—A bill to be entitled an act to make it a misdemeanor to fail to list and pay poll tax. Laid on the table.

Senate bill 454—A bill to be entitled an act to repeal sections 1, 2, 3, 4, 5, 6 and 7 of an act concerning the estates of deceased persons, ratified 6th day of April, A. D. 1869. Laid on the table.

Senate bill 362, House bill 65—A bill to be entitled an act to appoint a public guardian. Laid on the table.

Senate bill 431—A bill to be entitled an act to amend chapter 203, acts of 1868-'69. Laid on the table.

Senate bill 439—A bill to be entitled an act to repeal subchapter 1 of chapter 113, laws of 1868-'69. Laid on the table.

Senate bill 325—A bill to be entitled an act to amend the law relating to executions. Laid on the table.

Senate bill 338—A bill to be entitled an act to allow certain real estate sold under execution to be redeemable in twelve months upon certain conditions. Laid on the table.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified the 12th day of February, 1872.

The thirty-first section of the bill was read and agreed to.

The thirty-second section was read.

Mr. Cowles moved to amend the section by adding the following thereto: "But such pupil or pupils so expelled may appeal through their parent, guardian or persons in

charge to the school committee for the township in which the school is taught, and their decision shall be final." The amendment did not prevail.

Mr. Avera moved to amend the section by striking out all after the word "teach" in line 5 thereof. The amendment did not prevail, and the section was agreed to.

The thirty-third section was read.

Mr. Waring moved to amend by adding the following to the section: "And the text books so used shall not be changed oftener than once in four years." The amendment prevailed, and the section was agreed to.

The thirty-fourth, thirty-fifth and thirty-sixth sections were severally read and agree to.

The thirty-seventh section was read.

Mr. Waring moved to amend by striking out  $8\frac{1}{2}$  cents, and inserting  $6\frac{1}{2}$  cents.

Mr. Welch moved to amend by striking out  $8\frac{1}{2}$  cents, and inserting 10 cents.

Mr. Hyman called for a division of the question.

The question then recurring first on the motion to strike out, the yeas and nays were ordered on demand of Mr. Waring, and it did not prevail. Yeas 13; nays 24.

*Affirmative*—Messrs. Allen, Avera, Dunham, Ellis of Catawba, Gudger, Horton, Love, McCauley, Murray, Respass, Todd, Waring, and Worth—13.

*Negative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Hyman, Long, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Price, Respass, Smith, Stafford, Walker and Welch—24.

The section was then agreed to.

The thirty-eighth and thirty-ninth sections were severally read and agreed to.

The fortieth section was read.

Mr. Hill moved to amend by striking out to the word "before" in line 4, and inserting the following in lieu thereof:

"The school committee shall receive such compensation for their services as the county board of education may allow; *Provided*, The daily compensation shall not exceed \$1.50, and the yearly compensation shall not exceed \$25 for each member of the committee." The amendment did not prevail.

Mr. Love moved to strike out the section. The motion to strike out did not prevail, and the section was agreed to.

The forty-first and forty-second sections were severally read and agreed to.

The forty-third section was read.

Mr. Welch moved to amend by striking out the word "every" in line 1, and inserting the words "each member of the." The amendment prevailed, and the section was agreed to.

The forty-fourth section was read.

Mr. Cowles moved to amend by inserting after the word "dollars" in line 9, the words "or imprisoned not exceeding six months." The amendment prevailed, and the section was agreed to.

The forty-fifth, forty-sixth and forty-seventh sections were severally read and agreed to. Thereupon the question recurring on the passage of the bill on its second reading,

Mr. Welch moved to amend by striking out the words "board of county examiners" wherever the same occur in the bill, and inserting in lieu thereof the words "board of examiners." The amendment prevailed, and the bill passed second time.

The Senate then proceeded to consider the next special order, to-wit: The motion to reconsider the vote by which Senate bill 463—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the University failed to pass its second reading on the 6th inst. The motion to reconsider prevailed, and the question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles,

Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respess, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman and Hyman—4.

Thereupon the Chair announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 459—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public debt. The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respess, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—36.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 460—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the office of Superintendent of Public Works. The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles,

Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman, McCabe and Smith—6.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 461—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the Code Commissioners. The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 462—A bill to be entitled an act to alter the Constitution of North Carolina in relation to exemptions.

The question then recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 465—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the State census.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 466—A bill to be entitled an act

to alter the Constitution of North Carolina in relation to Federal and other office-holders.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 407—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public charities.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to votes as follow:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—36.

*Negative*—Messrs. Ellis of Catawba, Eppes, Hill, Holloman, Hyman, McCabe, McCotter and Troy—8.

Thereupon the President announced that the bill had

passed its second reading in accordance with the 2d section of the 13th chapter of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 468—A bill to be entitled an act to alter the Constitution of North Carolina in relation to annual sessions of the General Assembly.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respess, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Negative*—Messrs. Eppes, Hill, Horton and Hyman—4.

Thereupon the President announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 470—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the term of office of executive officers.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, **Murphy**, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—30.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman,

Humphrey, Hyman, Long, McCabe, McCotter, Respass, Smith and Walker—13.

Thereupon the President announced that the bill had failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 471—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the pay and mileage of members of the General Assembly.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—33.

*Negative*—Messrs. Eppes, Harris, Hill, Holloman, Humphrey, Hyman, McCabe, McCotter, Smith and Walker—9.

Thereupon the President decided that there being only 33 votes in favor of the bill, and the assent of two-thirds of the whole representation in the Senate being required by the 2d section of the 13th article of the Constitution of the State, the bill had failed to pass its second reading.

From the decision of the Chair, Mr. Flemming appealed to that of the Senate.

The Chair having put the question: "Shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were ordered, and it was decided in the affirmative. Yeas 34; nays 8.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Long, McCabe, McCotter, Miller, Murphy,

Murray, Nicholson, Norwood, Powell, Respass, Smith, Stafford, Troy, Walker, Waring and Worth—34.

*Negative*—Messrs. Flemming, Horton, Love, McCauley, Morehead of Rockingham, Price, Todd and Welch—8.

Mr. Humphrey, who had voted on the prevailing side, thereupon moved to reconsider the vote by which the bill failed to pass its second reading. The consideration of this motion was postponed and made special order for 12 M. of to-morrow.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 475—A bill to be entitled an act to alter the Constitution of North Carolina in relation to townships.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—29.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, Long, McCabe, McCotter, Respass and Walker—12.

Thereupon the President announced that the bill had failed to pass its second reading in accordance with the second section of the thirteenth article of the Constitution of the State.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendment to Senate resolution 381, House resolution 41—Resolution in favor of the surities of Jesse Sumner, sheriff of Buncombe county, in the year 1869.

Senate bill 37—A bill to be entitled an act to incorporate

Square Stone Lodge, No. 10, Ancient York Masons, of the town of Warrenton.

Senate bill 429—A bill to be entitled an act to incorporate the trustees of the Marion Baptist Church.

Senate bill 361—A bill to be entitled an act to authorize the commissioners of the town of Washington to levy a special tax.

Amendments to Senate bill 109, House bill 28—A bill to be entitled an act to authorize the commissioners of Watauga county to levy a special tax.

Senate bill 184—A bill to be entitled an act to authorize a special tax in Beaufort county.

Senate bill 98—A bill to be entitled an act to incorporate Selma Lodge, No. 320, Free and Accepted Masons.

Senate bill 375—A bill to be entitled an act to amend an act entitled an act to incorporate the town of Catawba Vale, in the county of McDowell.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Cape Fear and Peoples' Steamboat Company.

An act to incorporate the Edgecombe Female Seminary.

An act to incorporate the Cape Fear Water Works Company.

An act to incorporate the town of Selma, in the county of Johnston.

An act to incorporate the Horse Ford Manufacturing Company.

Mr. Cramer moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Dunham, and the Senate refused to adjourn. Yeas 2; nays 25.

*Affirmative*—Messrs. Eppes and Worth—2.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Hill, Hollo-

man, Hyman, McCabe, Miller, Morehead of Rockingham, Murray, Nicholson, Price, Respess, Scott, Stafford, Todd, Troy, Walker, Waring and Welch—25.

Mr. Welch moved that when the Senate adjourn it adjourn to meet at 7½ o'clock, P. M. The motion did not prevail.

The Senate then adjourned.

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### FIFTY-THIRD DAY.

SENATE CHAMBER, February 12, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Ellis, of Catawba, asked and obtained leave to have his name recorded in the negative instead of the affirmative on the vote by which Senate bill 407—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public charities.

Mr. Mabson asked and obtained leave to have his name recorded in the negative on the several votings heretofore had on the several bills to alter the Constitution of North Carolina.

Mr. Norwood presented a memorial from O. G. Parsley, which was referred to the Committee on Finance.

At 10½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate resolution 566—Resolution directing and authorizing the Treasurer in certain matters. The resolution was read and passed second time. Yeas 36; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Holloman, Horton, Humphrey, Hyman, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Nor-

wood, Powell, Price, Respass, Smith, Todd, Troy, Walker, Welch and Worth—36.

*Negative*—0.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872.

Mr. Avera moved that the consideration of the special orders be postponed until the morning business was disposed of. The motion prevailed.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill 508, House bill 43—A bill to be entitled an act to amend an act relative to the Western turnpike road, &c., ratified 17th day of March, 1869, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Avera—Senate bill 564—A bill to be entitled an act to incorporate the town of Lockville, in the county of Chatham, with a recommendation that it do pass.

Senate bill 579—A bill to be entitled an act to incorporate the Raleigh Bucket Company, No. 1, with a recommendation that it do pass.

Senate bill 571, House bill 332—A bill to be entitled an act to incorporate the town of Pineville, in Mecklenburg county, with a recommendation that it do pass.

Senate bill 572, House bill 381—A bill to be entitled an act to incorporate White Hill Lodge, No. 321, Ancient, Free and Accepted Masons, in Moore county, with a recommendation that it do pass.

Senate bill 577, House bill 417—A bill to be entitled an act to extend the limits of the town of Wadesboro, Anson county, with a recommendation that it do pass.

Senate bill 570, House bill 352—A bill to be entitled an

act to incorporate Danbury Lodge, No. 323, Free and Accepted Masons, Danbury, Stokes county, N. C., with a recommendation that it do pass.

From Committee on Claims:

By Mr. Troy—Senate resolution 414—Resolution authorizing the Public Treasurer to pay the treasurer of Edgecombe county \$1,486.66 from the school fund.

Senate resolution 415—Resolution authorizing the Public Treasurer of the State to pay to the treasurer of Brunswick county \$604.97 from the school fund.

Senate resolution 416—Resolution authorizing the Public Treasurer to pay to the treasurer of Northampton county \$1,287.94 from the school fund, with an amendment in the nature of a substitute for all of said resolutions.

From the Committee on Judiciary:

By Mr. Allen—Senate bill 536—A bill to be entitled an act repeal an act to provide for the service of process issuing from courts of justices of the peace in civil causes where one or more of the defendants may reside out of the county in which the action is brought, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From Committee on Propositions and Grievances:

By Mr. Avera—Senate bill 575, House bill 284—A bill to be entitled an act to authorize the commissioners of Montgomery county to levy a special tax, with a recommendation that it do pass.

Mr. Waring submitted a report from the Joint Select Committee to Investigate Matters Connected with the Penitentiary, which was received, read, and, on motion, ordered to be transmitted to the House of Representatives, with a proposition to print the same.

A message was sent to the House of Representatives transmitting the report from the Joint Select Committee on the Penitentiary, and the accompanying documents, with a proposition to print the report.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Midland North Carolina Railway Company.

An act in reference to executors and administrators who reside in that part of Northampton county which was afterwards annexed to Hertford.

Resolution authorizing the Auditor to issue duplicate warrants for \$340 to the late treasurer of Yadkin county.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 413—A bill to be entitled an act to amend the charter of the town of Milton.

Senate bill 414—A bill to be entitled an act to incorporate the Old North State Lumber, Mining and Manufacturing Company.

Senate bill 407—A bill to be entitled an act to incorporate the Haw River and New Hope Transportation and Manufacturing Company.

Senate bill 459—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public debt.

Senate bill 460—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the office of Superintendent of Public Works.

Senate bill 461—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the Code Commissioners.

Senate bill 462—A bill to be entitled an act to alter the Constitution of North Carolina in relation to exemptions.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Barnhardt—A bill to be entitled an act to incorporate the Spring Church and Bethel Church, in the county of Cabarrus. To the Committee on Corporations.

By message from the House of Representatives—House bill 420—A bill to be entitled an act to levy a special tax for the county of Alexander. To the Committee on Propositions and Grievances.

House 415—A bill to be entitled an act to cure any irregularities that may exist in the titles to certain lands in Macon and Clay counties. To the Committee on Judiciary.

House bill 343—A bill to be entitled an act to lay off and construct a public road across Grandmother Gap. To the Committee on Internal Improvements.

House bill 375—A bill to be entitled an act to authorize the commissioners of Stokes county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 113—A bill to be entitled an act to allow the commissioners of Transylvania county to levy a special tax. To the Committee on propositions and Grievances.

House bill 325—A bill to be entitled an act to incorporate the trustees of the Oxford Colored Educational Association of Granville county. To the Committee on Corporations.

By Mr. Flemming—A bill to be entitled an act concerning the jurisdiction of Superior Courts. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Morehead, of Guilford—Resolution on adjournment. Laid over under the rules.

By Mr. Harris—Resolution of instruction to the Keeper of the Public Grounds and Buildings. Laid over under the rules.

By Mr. Todd—Resolution concerning the distribution of the laws of special session of 1868. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 557—A bill to be entitled an act concerning the rate of interest. Made special order for 12 M. Friday next, the 14th instant.

Senate bill 525—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company. Made special order for 10½ o'clock A. M. of to-morrow.

The Senate thereupon resumed the consideration of Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified the 12th day of February, 1872.

Mr. Morehead, of Guilford, moved that the consideration of this bill be deferred to the considerations of the next special orders. The motion prevailed, and the Senate then proceeded to consider the next special order, to-wit: the motion to reconsider the vote by which Senate bill 474—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the pay and mileage of members of the General Assembly, failed on yesterday to pass its second reading.

On motion, the consideration of the motion to reconsider was postponed until 12 M. of the 19th instant.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 463—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the University.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—35.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman, McCabe and Smith—6.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 465—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the State census.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*.—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respess, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe.—5

The President thereupon announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 466—A bill to be entitled an act to alter the Constitution of North Carolina in relation to Federal and other office-holders.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead

of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 467—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public charities.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Smith, Stafford, Todd, Walker, Waring and Worth—35.

*Negative*—Messrs. Ellis of Catawba, Eppes, Hill, Holloman, Hyman, McCabe, Troy and Welch—8.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 468—A bill to be entitled an act to alter the Constitution of North Carolina in relation to annual sessions of the General Assembly.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis

of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman and McCabe—5.

Thereupon the President announced that the bill had passed its third reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 469—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the judicial power of the State.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Waring, Welch and Worth—30.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Smith and Walker—13.

Thereupon the Chair announced that the bill had failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 472—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the county commissioners.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Waring, Welch and Worth—30.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Long, Mabson, McCabe, McCotter, Respass, Smith and Walker—13.

Thereupon the President announced that the bill had failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 473—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the Supreme Court.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*.—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Stafford, Todd, Troy, Waring, Welch and Worth—29.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCauley, McCotter, Respass, Smith and Walker—13.

Thereupon the President announced that the bill had failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order to-wit: Senate bill 474—A bill to be entitled an act to alter, the Constitution of North Carolina in relation to Judicial Districts and Superior Court Judges.

On motion, it was ordered that the bill be voted on by sections.

The question then recurring on the first section of the bill, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Waring, Welch and Worth—30.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Smith and Walker—13.

The question then recurring on the second section of the bill, the yeas and nays were ordered and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Waring and Worth—29.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respass, Smith and Walker—13.

Thereupon the President announced that the bill had failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 476—A bill to be entitled an act to alter the Constitution of North Carolina in relation to certain officers and to renumbering the sections.

The question recurring on the passage of the bill on its second reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Humphrey, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respess, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—35.

*Negative*—Messrs. Eppes, Hill, Holloman, Hyman, Mabson, McCabe and McCotter—7.

Thereupon the President announced that the bill had passed its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

The Senate then resumed the consideration of Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th February, 1872. The bill was read third time.

Mr. Respess moved to amend by striking out in section 33 all after the word "school" in line 6. The amendment did not prevail.

Mr. Cowles moved to amend by inserting the following, after the word "State" in line 4, section 34, "on or before the 1st day of April of this year." The amendment prevailed.

Mr. Troy moved the following amendment to come in as an additional section: "Section 46. That in districts where two hundred or more children attend one school, the school committee may employ one or more assistant teachers, who shall have a certificate from the board of examiners, and for such service said assistant shall not be paid more than is provided for teachers of a *second grade*, in section 25 of this act."

Pending the consideration of the amendment the Senate adjourned.

## FIFTY-FOURTH DAY.

SENATE CHAMBER, February 13, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Troy moved that a message be sent to the House of Representatives, with a proposition to print the testimony accompanying the report of the Joint Select Committee on the Penitentiary. The motion prevailed.

At 10½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 525—A bill to be entitled an act to incorporate the "Raburn Gap Short Line Railway Company."

Mr. Troy moved that the consideration of the special order be postponed until the morning business was disposed of. The motion prevailed.

Reports from standing committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Morehead, of Guilford—Senate bill 452—A bill to be entitled an act for the promotion of stock raising, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Allen—Senate bill — A bill to be entitled an act concerning the jurisdiction of the Superior Court, with a recommendation that it do pass.

Senate bill 433—A bill to be entitled an act requiring all voters who are by law liable for a poll tax to exhibit their tax receipt at the polls before voting, with a recommendation that it do not pass.

Senate bill 424—A bill to be entitled an act to require voters to present their sheriffs' receipt for poll tax for the preceding year before he be allowed to register and vote, with a recommendation that it do not pass.

Senate bill 291—A bill to be entitled an act to authorize the Western Railroad Company to issue bonds, with a recommendation that it do pass.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations and sales under the same, with a recommendation that it do pass.

By Mr. Gudger—Senate bill 479—A bill to be entitled an act declaring certain acts of officers and agents of the State a misdemeanor, with a recommendation that it do not pass.

By Mr. Todd—Senate bill 432—A bill to be entitled an act for the relief of Thomas H. Andrews, of Wilkes county, with a recommendation that it do not pass.

Mr. Ellis, of Columbus, presented a report from the Joint Standing Committee on Insane Asylum, which was ordered to be printed.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Long—A bill to be entitled an act to prevent the sale of spirituous liquor within two miles of Zion Church, in Richmond county. To the Committee on Propositions and Grievances.

By Mr. Morehead, of Rockingham—A bill to be entitled an act to charter the city of Madison. To the Committee on Corporations.

By Mr. McCotter—A bill to be entitled an act to authorize the commissioners of Pitt county to levy a special tax. To the Committee Propositions and Grievances.

By Mr. Waring—A bill to be entitled an act in relation to judgments. To the Committee on Judiciary.

By message from the House of Representatives—House bill 378—A bill to be entitled an act to provide for the printing and publication of "Battle's Revisal" of the public statute laws of North Carolina. Placed on the Calendar.

House bill 371—A bill to be entitled an act to provide for

the collection of taxes, &c. Made special order for the 17th instant and ordered to be printed.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution — Resolution to raise a committee on adjournment *sine die*. Concurred in.

House resolution 190—Resolution in favor of the Enrolling and Engrossing Clerks of the House. Read and passed first time and placed on the Calendar of resolutions.

Mr. Harris moved to reconsider the vote by which the second proposition contained in Senate bill 474—A bill to be entitled an act to alter the Constitution of North Carolina in relation to judicial districts and Superior Court Judges was rejected on yesterday.

Mr. Allen moved that the consideration of this motion be postponed and made special order for 12 M. of the 19th instant.

Mr. Avera moved that a message be sent to the House of Representatives informing that body that the Senate had resolved to invite the Hon. B. Seares to deliver an address on the subject of education at 7½ P. M. to-morrow, and asking that the House join in said invitation, and grant the use of its hall to Mr. Sears for his lecture. The motion prevailed, and a message was thereupon sent in accordance therewith.

A message was sent to the House of Representatives with a proposition to print the testimony accompanying the report of the Joint Select Committee on Penal Institutions.

Bills and resolutions were acted on under a suspension of rules as follows:

Senate bill 479—A bill to be entitled an act declaring certain acts of officers and agents of the State a misdemeanor. Laid on the table.

Senate bill 432—A bill to be entitled an act for the relief

of Thomas H. Andrews, of Wilkes county. Laid on the table.

Senate bill 164—A bill to be entitled an act to change the dividing line between Franklin and Granville counties. Recommended to the Committee on Propositions and Grievances, with instructions to report at their earliest convenience.

Senate resolution 566—Resolution authorizing and directing the Treasurer in certain matters. The resolution was read third time.

Mr. Cramer moved that the consideration of the resolution be postponed until Monday next. The motion did not prevail, and the resolution passed third time. Yeas 39; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, King, Love, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Respass, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—39.

*Negative*—0.

The resolution was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the commissioners of Watauga county to levy a special tax.

Resolution in favor of Jesse Sumner, sheriff of Buncombe county, in the year 1869.

Resolution confirming the contract of Patrick McGowan.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed

Bills, were transmitted to the House of Representatives for concurrence :

Senate resolution 566—Resolution directing and authorizing the Treasurer in certain matters.

Senate bill 463—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the University.

Senate bill 465—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the State census.

Senate bill 466—A bill to be entitled an act to alter the Constitution of North Carolina in relation to Federal and other officeholders.

Senate bill 467—A bill to be entitled an act to alter the Constitution of North Carolina in relation to the public charities.

Senate bill 468—A bill to be entitled an act to alter the Constitution of North Carolina in relation to annual sessions of the General Assembly.

The Senate then resumed the consideration of Senate bill 525—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company. The bill was read second time.

Mr. Morehead, of Guilford, moved to amend by striking out section 6. The amendment did not prevail.

Mr. Love moved to amend by striking out the words "docks, quays, wharfs, breakwaters," in section 6. The amendment prevailed, and the bill passed second time.

The further consideration of the bill was postponed and made special order for 12 M. to-morrow.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified the 12th day of February, 1872.

The question recurring on the amendment offered by Mr. Troy, Mr. Harris moved to amend the same by striking out one and inserting two. The amendment to the amend-

ment did not prevail, and the question recurring on the amendment offered by Mr. Troy, it did not prevail.

Mr. Waring moved to amend the 37th section of the bill by striking out "eight and one-third," and inserting "six and one-fourth." The amendment did not prevail.

Mr. Waring moved to amend by striking out in section 37 all after the word "State" in line 7. The amendment did not prevail.

Mr. Dunham moved to amend by striking out the 37th section.

The yeas and nays were ordered on demand of Mr. Dunham, and the amendment did not prevail. Yeas 14; nays 28.

*Affirmative*—Messrs. Allen, Avera, Dunham, Ellis of Catawba, Flemming, Gudger, Horton, Love, McCauley, Powell, Price, Todd, Waring and Worth—14.

*Negative*—Messrs. Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Respess, Stafford, Troy, Walker and Welch—28.

Mr. Worth moved that the further consideration of the bill be postponed for one week. The motion did not prevail.

Mr. Cowles moved the previous question.

Mr. Dunham moved that the Senate do now adjourn.

The question recurring on the motion to adjourn, the yeas and nays were ordered on demand of Mr. Dunham, and the Senate refused to adjourn. Yeas 7; nays 34.

*Affirmative*—Messrs. Chamberlain, Dunham, Gudger, Love, Norwood, Powell and Price—7.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nich-

olson, Norwood, Respass, Stafford, Todd, Troy, Walker, Welch and Worth—34.

Mr. Love moved that when the Senate adjourn it will adjourn until 10 o'clock and ten minutes to-morrow morning.

Thereupon the President decided that a motion for the previous question being under consideration, no motion was in order except a motion to adjourn, and that the motion of the Senator from Jackson was not a motion to adjourn but a motion to rescind, a rule heretofore made by the Senate, fixing the hour for the meeting thereof at 10 A. M. daily, and was therefore out of order.

From the decision of the Chair, Mr. Love appealed to that of the Senate.

The Chair having put the question: "Shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were ordered on demand of Mr. Love, and it was decided in the affirmative. Yeas 41; nays 0.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—41.

*Negative*—0.

Mr. Dunham moved that the Senate do now adjourn.

The yeas and nays were ordered, and the Senate refused to adjourn. Yeas 11; nays 28.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Dunham, Ellis of Catawba, Humphrey, Love, McCauley, McCotter, Powell and Walker—11.

*Negative*—Messrs. Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Mabson, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson,

Norwood, Price, Respass, Todd, Troy, Walker, Welch and Worth—28.

Mr. Worth then moved that the Senate take a recess until 7½ o'clock P. M.

The yeas and nays were ordered on demand of Mr. Cowles, and the motion did not prevail. Yeas 17; nays 24.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Ellis of Catawba, Humphrey, McCauley, Miller, Morehead of Guilford, Murray, Stafford, Todd, Troy, Walker, Welch and Worth—17.

*Negative*—Messrs. Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Love, Mabson, Morehead of Rockingham, Norwood, Powell, Price, Respass, Smith and Waring—24.

Mr. Love moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Cowles, and the Senate refused to adjourn. Yeas 17; nays 24.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Dunham, Ellis of Catawba, Flemming, Gudger, Horton, Humphrey, Love, McCauley, Powell, Price, Waring, Welch and Worth—17.

*Negative*—Messrs. Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Respass, Smith, Todd, Troy and Walker—24.

Mr. Love moved that the Senate take a recess until 7½ o'clock P. M. The yeas and nays were ordered on demand of Mr. Cowles, and the motion did not prevail.

*Affirmative*—Messrs. Avera, Barnhardt, Dunham, Ellis of Catawba, Flemming, Gudger, Horton, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Todd, Troy, Waring and Worth—17.

*Negative*—Messrs. Chamberlain, Cowles, Cunningham,

Davis, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, Love, Mabson, McCabe, McCotter, Norwood, Resspess, Smith, Walker and Welch—20.

The Senate adjourned.

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### FIFTY-FIFTH DAY.

SENATE CHAMBER, February 14, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The Chair designated Messrs. Dunham and Cramer as the Senate branch of the joint select committee on adjournment *sine die*.

Mr. Chamberlain, by consent, was allowed to have his name recorded in the affirmative on the several votes by which the Senate passed several of the bills to alter the Constitution of North Carolina heretofore had, and in the negative on the votes by which several of the bills failed to pass.

Mr. Grandy asked and obtained leave to have his name recorded in the negative on all the votes heretofore had on the bills to alter the Constitution of North Carolina.

Mr. Grandy presented a petition from citizens of Winfalls, Perquimans county, praying that no action be taken prohibiting the sale of spirituous liquors therein, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 595, House bill 113—A bill to be entitled an act to allow the commissioners of Transylvania county to levy a special tax, with accompanying amendments.

By Mr. Hill—Senate bill 594, House bill 420—A bill to

be entitled an act to levy a special tax in the county of Alexander, with a recommendation that it do pass.

Senate bill 599—A bill to be entitled an act to authorize the commissioners of Pitt county to levy a special tax, with a recommendation that it do pass.

Senate bill 592, House bill 375—A bill to be entitled an act to authorize the commissioners of Stokes county to levy a special tax, with a recommendation that it do pass.

From Committee on Claims:

By Mr. Troy—Senate resolution 74—Resolution in favor of J. H. Manton, of Cleaveland county, with a recommendation that it do pass.

From Committee on Agriculture:

By Mr. Norwood—Senate bill 411—A bill to be entitled an act to repeal sections 10 and 11, of chapter 2, Revised Code, entitled agriculture, with an amendment in the nature of a substitute.

From the Committee on Corporations:

By Mr. Price—Senate bill 600—A bill to be entitled an act to charter the city of Madison, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Holloman—A bill to be entitled an act to incorporate the town of Coleraine, in Bertie county. To the Committee on Corporations:

By Mr. Gudger—A bill to be entitled an act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell. To the Committee on Internal Improvements.

By Mr. Respass—A bill to be entitled an act to authorize the commissioners of the town of Bath, in Beaufort county, to sell the commons belonging to said town. Placed on the Calendar.

By Mr. Dunham—A bill to be entitled an act to amend

the law of evidence relative to the conveyance of real estate. To the Committee on Judiciary.

By Mr. McCabe—A bill to be entitled an act providing for the civil process against infants and persons of non-sane mind to regulate the appointment of guardians *ad litem*, &c. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Troy—Resolution fixing the salary of the Superintendent of Public Works. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate resolution 574—Resolution in favor of J. A. Mantton, of Cleaveland county. Read and passed second and third times, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

At 11 A. M. the Senate proceeded to consider Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872.

The question recurring on the motion for the previous question, it was withdrawn by consent.

Mr. Welch moved to amend by inserting the following as an additional section: "Section —. If twenty or more teachers shall organize a teachers' association by meeting together and electing a president, vice-president, secretary, treasurer, and a board of five directors, and shall furnish to the register of deeds of any county a report of the names of the teachers present, the officers, and the name of the association, it shall be the duty of the register of deeds to record this report in the school records of his county, and the association thus formed shall be a body politic and corporate in law, and in its corporate name may sue and be sued, receive, purchase, hold and transfer real and personal property for educational purposes." The amendment did not prevail.

Mr. Troy moved to amend by inserting the following as an additional section: "Section —. That the board of educa-

tion for the county of Cumberland may, in the distribution, under this act, of the school money to the several districts, allow to Cedar Creek township the amount that was allotted to and not used by said township prior to the passage of the school law, ratified the 12th day of February, 1872." The amendment prevailed.

Mr. Ellis, of Columbus, moved to amend by adding the following to section 19: "And the commissioners of adjoining counties shall have power in cases of great inconvenience to arrange for the sending of pupils to schools across the lines of such counties, and provide for their payment from the fund of their school district." The amendment prevailed.

Mr. Dunham moved to amend by striking out in section 30 the following: "And in making such apportionment the said board shall charge each township with the amount such township has received under the provisions of chapter 189, laws of 1871-'72." The amendment did not prevail.

Mr. Mabson moved to reconsider the vote by which the amendment offered by Mr. Welch was rejected. The motion to reconsider did not prevail.

Mr. Love moved to amend by striking out in section 14, line 9, the words, "in three grades," and all after the word "follows," down to, and including "grade," in line 16, and inserting in lieu thereof the following: "Applicants shall be examined and their proficiency expressed in the several branches upon which they are examined in figures from one to five. One shall express the highest, and five the lowest degree of fitness. Any applicant being marked five in three branches shall be rejected, and on a second examination, unless the grade is raised, the applicant shall be rejected: *Provided*, no applicant shall receive a license or certificate unless he shall pass a satisfactory examination in spelling, reading, writing and arithmetic." The amendment did not prevail.

Mr. Gudger moved to amend by adding the following to

section 38: "or imprisoned not less than one month or more than six months, at the discretion of the court." The amendment prevailed.

Mr. Nicholson moved to amend by striking out in section 25 all after the word "same," in line 4, down to and including the words "per day" in line 8. The amendment did not prevail.

The question then recurring on its passage, the bill passed third time. Yeas 35; nays 4.

*Affirmative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Seymour, Stafford, Troy, Walker, Welch and Worth—35.

*Negative*—Messrs. Dunham, Gudger, Todd and Waring—4.

The amendments were ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 476—A bill to be entitled an act to alter the Constitution of North Carolina in relation to certain officers and to renumbering the sections.

The question recurring on the passage of the bill on its third reading, the yeas and nays were ordered, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Eppes, Grandy, Harris, Hill, Holloman, Hyman, Mabson, McCabe and Seymour—8.

Thereupon the President announced that the bill had

failed to pass its second reading in accordance with the 2d section of the 13th article of the Constitution of the State.

Mr. Harris moved to reconsider the vote just had.

On motion, the consideration of the motion to reconsider was postponed and made special order for 12 M. of the 19th instant.

The Senate then proceeded to consider the next special order, to-wit: The motion of Mr. Nicholson to reconsider the vote by which the amendment offered by Mr. Todd to Senate bill 339—A bill to be entitled an act to incorporate the "Merchants' Bank of Fayetteville" was adopted on the 8th instant.

The question recurring on the motion to reconsider, Mr. Troy moved that the consideration thereof be postponed and made special order for 10½ A. M. of to-morrow. The motion prevailed.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 528, House bill 194—A bill to be entitled an act to incorporate the North Carolina Central Railway Company. The bill was read second time.

The question recurring on the amendments offered by the Committee on Internal Improvements, the amendments prevailed, and the bill passed second time. The bill was then made special order for 11 A. M. of Monday next.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 525—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company. The bill was read second time.

Mr. Seymour moved that the further consideration of the bill be postponed and made special order for 10½ A. M. of Monday next. The motion did not prevail.

Mr. Waring moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Cunningham, and the Senate refused to adjourn. Yeas 12; nays 20.

*Affirmative.*—Messrs. Allen, Chamberlain, Davis, Dunham,

Ellis of Catawba, Grandy, Horton, Mabson, McCauley, Price, Seymour and Waring—12.

*Negative*—Messrs. Cunningham, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Long, Love, McCabe, Morehead of Guilford, Murphy, Murray, Respass, Todd, Troy, Walker and Worth—20.

Mr. Troy moved the previous question, and the Senate order the main question to be put.

The question then recurring on its passage, the bill passed third time. Yeas 31; nays 1.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Long, Love, Mabson, McCabe, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—31.

*Negative*—Mr. Dunham—1.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act in relation to the office of sheriff of Yancey county.

An act to define the powers and duties of county surveyors.

An act for the relief of certain tax-payers in Lenoir county.

Resolution for the relief of John J. Hasty, sheriff of Union county.

Resolution in favor of James M. Young, sheriff of Buncombe county.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate resolution 574—Resolution in favor of J. A. Manton, of Cleaveland county.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition of the House to raise a joint select committee on adjournment *sine die*, and designating Messrs. Dunham and Cramer as the Senate branch of said committee.

The Senate then adjourned.

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### FIFTY-SIXTH DAY.

SENATE CHAMBER, February 15, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Avera asked and obtained leave to have his name recorded in the affirmative on the vote by which Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872, passed its third reading.

Mr. Chamberlain asked and obtained leave to have his name recorded in the negative on the vote by which Senate bill 319—A bill to be entitled an act for amnesty and pardon, passed its third reading.

The Chair announced a communication from Anton Son-tag, which was referred to the Committee on Agriculture.

Mr. Price presented a petition from citizens of Davidson county, which was referred to the Committee on Corporations.

Reports from standing committees were submitted as follows:

From Committee on Corporations:

By Mr. Welch—Senate bill 589—A bill to be entitled an act to incorporate Cold Spring Church and Bethel Church, in the county of Cabarrus, with a recommendation that it do pass.

Senate bill 578, House 377—A bill to be entitled an act to amend an act to incorporate the Peoples' Building and Loan Association, of Asheville, with a recommendation that it do pass.

Senate bill 590, House bill 325—A bill to be entitled an act to incorporate the trustees of Oxford Colored Educational Association, of Granville county, with a recommendation that it do pass.

Senate bill 569, House bill 333—A bill to be entitled an act to incorporate the Stowe Falls Manufacturing Company, with a report that the bill was unaccompanied by the necessary tax receipt.

By Mr. Avera—Senate bill 374, House bill 246—A bill to be entitled an act to incorporate the Farmers' Loan Bank, with a recommendation that it do pass.

From Committee on Insurance:

By Mr. Murphy—Senate bill 388—A bill to be entitled an act to incorporate the "Old North State Life Insurance Company," with accompanying amendments.

From Committee on Judiciary:

By Mr. Allen—Senate Resolution 397—Resolution for the relief of the Wilmington and Weldon Railroad Company, with a recommendation that it do pass.

Senate bill 534—A bill to be entitled an act amendatory of an act entitled "an act providing for a board of public charities," with accompanying amendments.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Avera—A bill to be entitled an act to lay off and establish a new county by the name of Bragg. To the Committee on Propositions and Grievances.

By Mr. Grandy—A bill to be entitled an act to authorize the commissioners of Chowan county to issue coupon bonds in order to liquidate the liabilities of said county. To the Committee on Propositions and Grievances.

By Mr. Hill—A bill to be entitled an act to incorporate the Shallotte Baptist Church, in Brunswick county. To the Committee on Corporations.

By Mr. Waring—A bill to be entitled an act to fix the fees of the coroner of Mecklenburg county. Placed on the Calendar.

By Mr. Seymour—A bill to be entitled an act to repeal chapter 79, laws of 1868-'69. To the Committee on Education.

By message from the House of Representatives—House bill 366—A bill to be entitled an act to extend the time of E. A. Gupton, ex-sheriff of Franklin county, to make settlement with the county treasurer. To the Committee on Propositions and Grievances.

By Mr. Allen—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Kenansville. To the Committee on Propositions and Grievances.

By message from the House of Representatives—House bill 203—A bill to be entitled an act to amend chapter 139, laws of 1870-'71, in relation to the fees of justices of the peace. To the Committee on Propositions and Grievances.

House bill 37—A bill to be entitled an act to create a laborers and mechanics' lien law, and for other purposes. To the Committee on Judiciary.

House bill 202—A bill to be entitled an act for the better government of towns and cities. To the Committee on Corporations.

Senate bill 372—A bill to be entitled an act to prevent the felling of trees in the French Broad River. To the Committee on Propositions.

House bill 404—A bill to be entitled an act to allow the commissioners of Washington county to levy a special tax, and for other purposes. To the Committee on Propositions and Grievances.

House bill 419—A bill to be entitled an act to authorize and empower the commissioners of Yadkin county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 428—A bill to be entitled an act to secure a proper accountability by the officers of the State. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring—Resolution of instruction to the Attorney General. Laid over under the rules.

By Mr. Cowles—Resolution to print muster rolls of 1812. Laid over under the rules.

By Mr. Ellis, of Columbus—Resolution in favor of John H. Hill. Laid over under the rules.

By Mr. Morehead, of Guilford—Resolution providing for night sessions from and after Monday. Adopted.

By message from the House of Representatives—House resolution 199—Resolution declaratory of the meaning of section 4—Resolution in favor of sheriffs, ratified December 6, 1872. Referred to the Committee on Propositions and Grievances.

At 10½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: the motion of Mr. Nicholson to reconsider the vote by which the amendment offered by Mr. Todd to Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Loan Bank of Fayetteville was adopted. The motion to reconsider prevailed.

The question recurring on the amendment offered by Mr. Todd, Mr. Troy offered the following as a substitute for said amendment: "*Provided*, The rate of interest on money loaned to farmers to aid in the cultivation of their crops under this act shall not be greater than 8 per cent." The substitute for the amendment prevailed.

The question then recurring on the amendment as amended by the substitute, Mr. Worth moved the following as a substitute therefor: "*Provided*, That the rate of interest allowed in this act shall be subject to the restrictions of the general laws of the State which may be hereafter enacted. The substitute for the amendment prevailed, and the ques-

tion recurring on the amendment as amended by the substitute, it prevailed.

The question then recurring on the passage of the bill, it passed third time. Yeas 29; nays 6.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Dunham, Ellis of Columbus, Hill, Holloman Horton, Long, Mabson, McCabe, McCotter, Miller, Murphy, Murray, Nicholson, Powell, Price, Respass, Smith, Stafford, Troy, Walker, Welch and Worth—29.

*Negative*—Messrs. Cunningham, Flemming, Love, Norwood, Seymour and Todd—6.

A message was received from the House of Representatives designating Messrs. Badger, Jones of Caldwell, and Johnston as the House branch of the Joint Select Committee on Adjournment.

A message was received from the House of Representatives informing the Senate that the House had concurred in Senate resolution 566—Resolution authorizing the Treasurer in certain matters, with certain amendments.

On motion, the Senate concurred in the House amendments, and the resolution was ordered to be forthwith enrolled for ratification.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 244, House bill 126—A bill to be entitled an act to incorporate the "Mechanics' Hose Company of Wilmington, North Carolina." The bill was read second time.

Mr. Todd moved that the bill lie upon the table. The motion to lay on the table did not prevail, and the bill passed second time. The bill was then read and passed third time.

Senate bill 402—A bill to be entitled an act to amend chapter 186 of the private acts of 1861, being an act to incorporate "The Wilmington and Wrightsville Turnpike Company." The bill was read second time.

Mr. Troy moved the previous question, and the Senate refused to order the main question to be put.

Mr. Mabson moved that the further consideration of the bill be postponed until Saturday next, and made special order for 12 M of that day.

The yeas and nays were ordered on demand of Mr. Mabson, and the Senate proceeded to vote as follows.

The Clerk having reported a tie, the President voted in the affirmative, and the motion prevailed :

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Grandy, Gudger, Harris, Hill, Holloman, Mabson McCabe, McCotter, Miller, Murphy, Respass, Seymour and Walker—16.

*Negative*—Messrs. Allen, Avera, Cunningham, Dunham, Ellis of Columbus, Horton, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Waring, Welch and Worth—16.

Senate bill 457—A bill to be entitled an act to allow the county commissioners of Camden county to levy a special tax. Read and passed second time. Yeas 21 ; nays 6.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Norwood, Powell, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—21.

*Negative*—Messrs. Dunham, Gudger, Love, McCauley and Todd—6.

Senate bill 482, House bill 285—A bill to be entitled an act to levy a special tax in Greene county. Read and passed second time. Yeas 22 ; nays 7.

*Affirmative*—Messrs. Cramer, Cunningham, Harris, Hill, Holloman, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—22.

*Negative*—Messrs. Allen, Cowles, Dunham, Gudger, Horton, Love and Todd—7.

Senate bill 84, House bill 259—A bill to be entitled an act to levy a special tax in the county of Currituck. Read and passed second time. Yeas 23 ; nays 5.

*Affirmative*—Messrs. Chamberlain, Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, McCabe, McCauley, Miller, Murphy, Nicholson, Norwood, Powell, Seymour, Stafford, Todd, Troy, Walker, Welch and Worth—23.

*Negative*—Messrs. Cowles, Dunham, Gudger, Love and Price—5.

Senate bill 495, House bill 132—A bill to be entitled an act to authorize the commissioners of the county of Swain to levy a special tax. Read and passed second time. Yeas 29; nays 5.

*Affirmative*—Messrs. Chamberlain, Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Cowles, Dunham, Gudger, Long and Love—5.

Senate bill 486—A bill to be entitled an act to authorize the commissioners of the county of Person to levy a special tax. Read and passed second time. Yeas 29; nays 3.

*Affirmative*—Messrs. Chamberlain, Cramer, Cunningham, Dunham, Ellis of Columbus, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Cowles, Gudger and Love—3.

Senate bill 503, House bill 284—A bill to be entitled an act to authorize the commissioners of Montgomery to levy a special tax. Read and passed second time. Yeas 29; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Sey-

mour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 395, House bill 147—A bill to be entitled an act to allow the commissioners of Columbus to levy a special tax. Read and passed third time. Yeas 29; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Allen and Love—2

Senate bill 217, House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen.

The question then recurring on the amendment offered by the Committee on Propositions and Grievances, it prevailed.

The question then recurring on the amendment offered by Mr. Cunningham, the yeas and nays were ordered on demand of Mr. Allen, and the amendment did not prevail. Yeas 13; nays 22.

*Affirmative*—Messrs. Allen, Cowles, Dunham, Horton, Long, McCabe, McCauley, Miller, Morehead of Guilford, Nicholson, Norwood and Todd—13.

*Negative*—Messrs. Avera, Chamberlain, Cramer, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Love, Mabson, McCotter, Murphy, Murray, Powell, Respass, Stafford, Troy, Walker, Waring, Welch and Worth—22.

The question then recurring on its passage, the bill passed second time. Yeas 21; nays 11.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Mabson, McCabe, McCauley, McCotter, Murphy, Murray, Powell, Respass, Stafford, Troy, Walker, Waring, Welch and Worth—21.

*Negative*—Messrs. Allen, Cowles, Cunningham, Dunham, Gudger, Hyman, Long, Love, Miller, Nicholson and Todd—11.

Senate bill 533, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house. The bill was read second time. The amendments offered by the Committee on Proposition and Grievances did not prevail, and the bill passed second time.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Mabson, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Powell, Respass, Seymour, Smith, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Allen, Avera, Dunham, Flemming and Nicholson—5.

Mr. Todd moved to reconsider the vote just had. The motion did not prevail.

Senate bill 516, House bill 247—A bill to be entitled an act to authorize the commissioners of Granville county to levy a special tax. Read and passed second time. Yeas 30; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 532, House bill 323—A bill to be entitled an act to authorize the county commissioners of Hertford to levy a special tax. Read and passed second time. Yeas 25; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Hill, Horton, Long, Mabson, McCabe,

McCauley, McCotter, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Price, Respass, Stafford, Todd, Troy, Walker, Welch and Worth—25.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 535—A bill to be entitled an act to authorize the county commissioners of Lenoir county to levy a special tax. Read and passed second time. Yeas 30; nays 2.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Dunham and Love—2.

Mr. Gudger moved to reconsider the vote just had, and that the consideration of that motion be postponed and made special order for 8 P. M. of Monday next. The motion to postpone and make special order prevailed.

Senate bill 550—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax. Read and passed second time. Yeas 28; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 538, House bill 322—A bill to be entitled an act to empower the commissioners of Caldwell county to levy a special tax. Read and passed second time. Yeas 28; nays 3.

*Affirmative*.—Messrs. Cowles, Cramer, Cunningham, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nich-

olson, Norwood, Powell, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 558, House bill 341—A bill to be entitled an act to authorize the commissioners of Moore county to levy a special tax. Read and passed second time. Yeas 29; nays 4.

*Affirmative*—Messrs. Cramer, Cunningham, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Cowles, Dunham, Gudger and Love—4.

Senate bill 524—A bill to be entitled an act to re-enact and continue in force an act to empower the commissioners of Cumberland county to levy a special tax. Read and passed second time. Yeas 28; nays 4.

*Affirmative*—Messrs. Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Respass, Seymour, Todd, Troy, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Cowles, Dunham, Gudger and Love—4.

Senate bill 595—A bill to be entitled an act to allow the commissioners of Transylvania county to levy a special tax. Read and passed second time. Yeas 28; nays 3.

*Affirmative*—Messrs. Cramer, Cunningham, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Cowles, Dunham and Love—3.

Senate bill 599—A bill to be entitled an act to authorize

the commissioners of Pitt county to levy a special tax. Read and passed second time. Yeas 29; nays 4.

*Affirmative*—Messrs. Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Cowles, Dunham, Gudger and Love—4.

Senate bill 485, House bill 391—A bill to be entitled an act to make appropriation for the year 1873 to the Deaf, Dumb and Blind Institute. Read and passed second and third times. Yeas 34; nays 0.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Dunham, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—0.

The bill was then ordered to be forthwith enrolled for ratification.

Senate bill 562, House bill 411—A bill to be entitled an act in relation to the sale of ardent spirits. Made special order for 11 A. M., of Tuesday next.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution authorizing and instructing the Governor and Treasurer in certain matters connected with the Western North Carolina Railroad Company.

The Senate then adjourned.

## FIFTY-SEVENTH DAY.

SENATE CHAMBER, February 17, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Indefinite leave of absence was granted to Mr. Hyman on account of sickness in his family.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Dunham—Senate bill 399—A bill to be entitled an act to authorize two additional terms of the Superior Court for Granville county, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Welch—Senate bill 619, House bill 202—A bill to be entitled an act for the better government of the towns and cities, with a recommendation that it be referred to the Committee on Judiciary. The recommendation of the committee was concurred in.

By Mr. Price—Senate bill 362—A bill to be entitled an act to incorporate the town of Coleraine, in Bertie county, with a recommendation that it do pass.

Senate bill 625—A bill to be entitled an act to incorporate Shallotte Baptist Church, in Brunswick county, with a recommendation that it do pass.

By Mr. Gudger—Senate bill 591, House bill 343—A bill to be entitled an act to lay off and construct a public road across Grandmother Gap, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Avera—Senate bill 616, House bill 419—A bill to be entitled an act to authorize and empower the commis-

sioners of Yadkin county to levy a special tax, with a recommendation that it do pass.

By Mr. Love—Senate bill 530, House bill 286—A bill to be entitled an act to empower the commissioners of the town of Lenoir, Caldwell county, to sell certain lands, with an amendment in the nature of a substitute.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Morehead, of Guilford—A bill to be entitled an act to insure the completion of the Western Railroad. To the Committee on Internal Improvements.

By Mr. Welch—A bill to be entitled an act declaring what portion of the debt of North Carolina is valid, and to pay off the same, &c. Made special order for 11½ o'clock A. M. of Thursday next, and ordered to be printed.

By Mr. Allen—A bill to be entitled an act to amend the Code of Civil Procedure on the subject of appeals. To the Committee on Judiciary.

A bill to be entitled an act to amend section 343 of the Code of Civil Procedure. To the Committee on Judiciary.

A bill to be entitled an act relating to costs in civil actions. To the Committee on Judiciary.

By Mr. McCabe—A bill to be entitled an act to provide for filling vacancies in the office of county surveyor. To the Committee on Judiciary.

By Mr. Seymour—A bill to be entitled an act in regard to terms of the Superior Courts in the Second and Third Judicial Districts. To the Committee on Judiciary.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 408—A bill to be entitled an act to regulate the sale of tar. The bill was read second time. The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill was laid upon the table.

At 12 A. M. the Senate proceeded to consider the special

order for that hour, to-wit: Senate bill 528—A bill to be entitled an act to incorporate the North Carolina Central Railway Company. The bill was read third time.

Mr. Humphrey moved to amend by striking out in section 2 all after the word "provided" and inserting in lieu thereof the following: "That should this corporation purchase the Western North North Carolina Railroad, or in any way obtain the control of that road, it shall not have the right to take up the track of any part of said road, but shall maintain the same and complete the same to Asheville within two years after such purchase or control, and failing to do so shall forfeit all right to control the same, and any title acquired by such purchase."

Mr. Dunham asked for a division of the question.

The question then recurring on the motion to strike out, the yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed.

*Affirmative*—Messrs. Allen, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Humphrey, Long, Mabson, McCabe, McCauley, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Waring and Worth—24.

*Negative*—Messrs. Avera, Chamberlain, Cowles, Holloman, Horton, Love, McCotter, Miller, Powell, Price, Respass, Todd, Walker and Welch—14.

The question then recurring on inserting the words proposed by Mr. Humphrey, the motion to insert prevailed.

Mr. Miller moved an amendment to come in as an additional section which prevailed, and the bill passed third time. Yeas 34; nays 3.

*Affirmative*—Messrs. Allen, Avera, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Stafford, Todd, Waring, Welch and Worth—34.

*Negative*—Messrs. Cowles, Respass and Walker—3.

Mr. Waring moved to reconsider the vote just had and to lay that motion on the table. The motion to lay upon the table prevailed.

The Chair then announced the next special order, to-wit: Senate bill 596, House bill 371—A bill to be entitled an act to provide for the collection of taxes by the State, and by the several counties of the State, on property, polls and income.

Mr. Seymour moved that the consideration of the special order be postponed for the purpose of taking up and considering Senate bill 285—A bill to be entitled an act providing for the biennial election of officers of the General Assembly, and prescribing their duties. The motion prevailed, and the Senate proceeded to consider the last named bill.

The bill was read second time.

The amendments offered by the Committee on Judiciary prevailed.

Mr. Love moved to amend by striking out the last sentence of section 5.

Mr. Seymour moved an amendment in the nature of a substitute for the amendment offered by Mr. Love.

The substitute for the amendment prevailed, and the question recurring on the amendment as amended, it prevailed.

The question then recurring on its passage, the bill passed second time.

Mr. Respass moved that the further consideration of the bill be indefinitely postponed. The yeas and nays were ordered on demand of Mr. Price, and the motion did not prevail. Yeas 11; nays 25.

*Affirmative*—Messrs. Avera, Chamberlain, Cramer, Eppes, Holloman, Long, McCauley, McCotter, Respass, Todd and Walker—11.

*Negative*—Messrs. Cowles, Cunningham, Dunham, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Horton, Love, Mabson, McCabe, Morehead of Guilford, Murphy, Murray,

Nicholson, Norwood, Powell, Price, Scott, Seymour, Walker, Waring, Welch and Worth—25.

Mr. Seymour moved that the further consideration of the bill be postponed and made special order for 12 M. of tomorrow, and that the bill be ordered to be printed.

The yeas and nays were ordered on demand of Mr. Respass, and the motion did not prevail. Yeas 14; nays 22.

*Affirmative*—Messrs. Avera, Cowles, Ellis of Columbus, Gudger, Harris, Hill, Long, Love, McCabe, McCotter, Morehead of Guilford, Murray, Powell, Seymour and Waring—14.

*Negative*—Messrs. Allen, Chamberlain, Cramer, Cunningham, Dunham, Eppes, Flemming, Grandy, Holloman, Horton, Mabson, Murphy, Nicholson, Norwood, Powell, Price, Respass, Scott, Todd, Walker, Welch and Worth—22.

Mr. Respass moved that the bill be laid upon the table. The yeas and nays were ordered on demand of Mr. Allen, and the motion to lay upon the table did not prevail. Yeas 5; nays 29.

*Affirmative*—Messrs. Chamberlain, Holloman, Long, Respass and Todd—5.

*Negative*—Messrs. Allen, Avera, Cowles, Cunningham, Dunham, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Horton, Love, Mabson, McCabe, McCauley, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Walker, Waring, Welch and Worth—29.

Mr. Cowles moved that the further consideration of the bill be postponed and made special order for 11 A. M. of Wednesday next, and that the bill be printed. The motion prevailed.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act making an appropriation for the year 1873 to the Deaf, Dumb and Blind Institute.

An act for the relief of John G. Williams.

An act to change the name of the town of Boone Hill, in Johnston county, and to prohibit the sale of spirituous liquors therein.

Resolution in favor of A. S. Hill, sheriff of Cherokee county.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified 12th of February, 1872.

Senate bill 525—A bill to be entitled an act to incorporate the Raburn Gap Short Line Railway Company.

Amendments to Senate bill 528, House bill 194—A bill to be entitled an act to incorporate the North Carolina Central Railway Company.

The Senate then adjourned.

#### EVENING SESSION.

7½ O'CLOCK P. M., February 17, 1873.

The Senate being met, the Chair ordered a call of the Senate, which was thereupon had, and the following Senators answered to their names:

Messrs. Allen, Avera, Chamberlain, Cowles, Cunningham, Ellis of Columbus, Eppes, Grandy, Gudger, Hill, Holloman, Humphrey, Long, Love, Mabson, McCabe, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Todd, Welch and Worth—28.

It appearing that a quorum was present, the Senate proceeded to business.

Bills and resolutions were acted on under a suspension of rules as follows:

Senate bill 595, House bill 113—A bill to be entitled an

act to authorize the commissioners of Transylvania county to levy a special tax. Read and passed third time. Yeas 29; nays 1.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Holloman, Humphrey, Long, Love, Mabson, McCabe, McCauley, McCotter, Morehead of Guilford, Murray, Nicholson, Norwood, Respass, Scott, Seymour, Smith, Stafford, Todd, Walker, Welch and Worth—29.

*Negative*—Mr. Gudger—1.

Senate bill 524—A bill to be entitled an act to re-enact and continue in force an act to authorize the commissioners of Cumberland county to levy a special tax. Read and passed a third time. Yeas 26; nays 5.

*Affirmative*—Messrs. Avera, Cunningham, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Love, Mabson, McCabe, McCauley, McCotter, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Welch and Worth—26.

*Negative*—Messrs. Allen, Cowles, Flemming, Gudger and Humphrey—5.

Senate bill 486, House bill 242—A bill to be entitled an act to authorize the commissioners of Person county to levy a special tax. Read and passed third time. Yeas 30; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Holloman, Horton, Humphrey, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Gudger and Love—2.

Senate bill 558, House bill 341—A bill to be entitled an act to authorize the commissioners of Moore county to levy a special tax. Read and passed third time. Yeas 28; nays 2.

*Affirmative*.—Messrs. Avera, Cowles, Cunningham, Ellis of

Columbus, Eppes, Flemming, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Murray, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Gudger and Love—2.


Senate bill 550—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax. Read and passed third time. Yeas 31 ; nays 3.


*Affirmative*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—31.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 538, House bill 322—A bill to be entitled an act to empower the commissioners of Caldwell county to levy a special tax. Read and passed third time. Yeas 32 ; nays 3.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—32.

 *Negative*—Messrs. Allen, Dunham and Love—3.

 Senate bill 599—A bill to be entitled an act to authorize the commissioners of Pitt county to levy a special tax. Read and passed third time. Yeas 29 ; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Flemming, Grandy, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 532, House bill 323—A bill to be entitled an act to authorize the county commissioners of Harnett to levy a special tax. Read and passed third time. Yeas 30; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Hill, Holloman, Horton, Humphrey, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Allen, Dunham, Gudger, and Love—4.

Senate bill 535, House bill 364—A bill to be entitled an act to authorize the county commissioners of Lenoir county to levy a special tax. Read and passed third time. Yeas 27; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Holloman, Horton, Humphrey, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Waring, Welch and Worth—27.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 516, House bill 247—A bill to be entitled an act to authorize the commissioners of Granville county to levy a special tax. Read and passed third time. Yeas 27; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Hill, Holloman, Horton, Humphrey, Long, McCauley, McCotter, Miller, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Welch and Worth—27.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 495, House bill 132—A bill to be entitled an act to authorize the commissioners of the county of Swain to levy a special tax. Read and passed third time. Yeas 27; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham,

Ellis of Columbus, Eppes, Grandy, Hill, Holloman, Horton, Humphrey, Long, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Price, Respass, Scott, Stafford, Todd, Walker, Waring and Welch—27.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 503, House bill 284—A bill to be entitled an act to authorize the commissioners of Montgomery county to levy a special tax. Read and passed third time. Yeas 24; nays 3.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Humphrey, Long, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Respass, Scott, Stafford, Todd, Walker, Waring, and Worth—24.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 456—A bill to be entitled an act to authorize the county commissioners of Camden to levy a special tax. Read and passed third time. Yeas 27; nays 5.

*Affirmative*—Messrs. Avera, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Grandy, Hill, Holloman, Horton, Long, McCabe, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Allen, Dunham, Gudger, Humphrey and Love—5.

Senate bill 482, House bill 285—A bill to be entitled an act to levy a special tax in Greene county. Read and passed third time, Yeas 25; nays 3.

*Affirmative*.—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Hill, Horton, Long, McCabe, McCauley, McCotter, Miller, Murphy, Nicholson, Norwood, Price, Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—25.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 510, House bill 285—A bill to be entitled an

act to levy a special tax for Greene county. Laid on the table.

Senate bill 217; House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen. Read and passed third time. Yeas 28; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCotter, Miller, Murphy, Murray, Norwood, Price, Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

The question then recurring on its passage, the bill passed third time. Yeas 25; nays 6.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Hill, Holloman, Humphrey, Long, Love, McCabe, McCauley, McCotter, Murray, Nicholson, Norwood, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring and Worth—24.

*Negative*—Messrs. Chamberlain, Dunham, Grandy, Gudger, Harris and Welch—6.

Mr. Morehead, of Guilford, moved to reconsider the vote just had and to postponed the reconsideration of that motion. The motion to postpone prevailed.

Senate bill 533, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house. The bill was read third time.

Mr. Todd moved to amend by inserting the amendments proposed by the Committee on Propositions and Grievances and rejected by the Senate on the second reading of the bill.

The yeas and nays were ordered on demand of Mr. Grandy, and the amendment prevailed. Yeas 20; nays 12.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cunningham, Dunham, Horton, Humphrey, Long, Love, McCauley, Morehead of Guilford, Murray, Nicholson, Norwood, Respass, Scott, Stafford, Todd, Waring and Worth—20.

*Negative*—Messrs. Chamberlain, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, McCabe, McCotter, Price and Walker—12.

Senate bill 594, House bill 420—A bill to be entitled an act to levy a special tax in the county of Alexander. Read and passed second time. Yeas 30; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Horton, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Dunham, Grandy, Gudger and Love—4.

Senate bill 392, House bill 375—A bill to be entitled an act to authorize the commissioners of Stokes county to levy a special tax. Read and passed second time. Yeas 28; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Walker, Welch and Worth—28.

*Negative*—Messrs. Dunham, Gudger and Love—3.

Senate bill 484, House bill 269—A bill to be entitled an act to levy a special tax in the county of Currituck. Read and passed third time. Yeas 27; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Hill, Holloman, Horton, Humphrey, Long, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Price, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Mr. Humprey moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Price, and the Senate refused to adjourn. Yeas 4; nays 24.

*Affirmative*—Messrs. Humphrey, Love, Miller and Worth—4.

*Negative*—Messrs. Avera, Cowles, Cunningham, Dunham, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Long, McCabe, McCauley, Murray, Nicholson, Norwood, Respass, Scott, Seymour, Todd, Walker, Waring and Welch—24.

Senate resolution 587—Substitute for Senate resolutions 414, 415 and 416. Read and passed second and third times. Yeas 22; nays 8.

*Affirmative*—Messrs. Cunningham, Dunham, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Long, Love, McCabe, McCotter, Morehead of Guilford, Norwood, Price, Respass, Scott, Seymour, Todd, Walker, Waring and Welch—22.

*Negative*—Messrs. Avera, Cowles, Ellis of Columbus, Horton, McCauley, Miller, Murray, and Nicholson—8.

Mr. Love moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Dunham, and the Senate refused to adjourn. Yeas 7; nays 22.

*Affirmative*—Messrs. Ellis of Columbus, Eppes, Horton, Love, Miller, Murray and Walker—7.

*Negative*—Messrs. Avera, Chamberlain, Cowles, Cunningham, Dunham, Gudger, Harris, Hill, Holloman, Long, McCabe, McCauley, Morehead of Guilford, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Todd, Waring and Welch—22.

Mr. Respass moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Waring, and the Senate refused to adjourn. Yeas 9; nays 12.

*Affirmative*—Messrs. Chamberlain, Ellis of Columbus, Eppes, Grandy, Miller, Morehead of Guilford. Respass, Stafford and Walker—9.

*Negative*—Messrs. Avera, Cowles, Cunningham, Gudger, Harris, Holloman, Long, McCauley, Nicholson, Scott, Seymour and Todd—12.

Senate resolution 614—Resolution of instruction to the Attorney General. The resolution was read.

Mr. Seymour moved that the further consideration of the resolution be postponed until Thursday next at 12 M. The yeas and nays were ordered on demand of Mr. Seymour, and the motion to postpone prevailed. Yeas 24; nays 3.

*Affirmative*—Messrs. Avera, Chamberlain, Cowles, Cunningham, Dunham, Eppes, Grandy, Harris, Hill, Holloman, Long, McCauley, McCotter, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Respass, Scott, Seymour, Stafford, Walker and Welch—24.

*Negative*—Messrs. Cunningham, Ellis of Columbus and Waring—3.

It appearing that no quorum was present, a call of the House was ordered on demand of Mr. Dunham, and the following Senators answered to their names:

Messrs. Avera, Chamberlain, Cowles, Cunningham, Ellis of Columbus, Grandy, Harris, Hill, Holloman, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Respass, Scott, Seymour, Todd, Walker and Welch—21.

Mr. Welch moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Dunham, and the motion prevailed. Yeas 13; nays 8.

*Affirmative*—Messrs. Avera, Chamberlain, Ellis of Columbus, Harris, Holloman, Miller, Morehead of Guilford, Murray, Nicholson, Respass, Scott, Walker and Welch—13.

*Negative*—Messrs. Cowles, Cunningham, Grandy, Gudger, Hill, McCauley, Seymour and Todd—8.

## FIFTY-EIGHTH DAY.

SENATE CHAMBER, February 18, 1873.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of yesterday was read.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Love—Senate bill 609—A bill to be entitled an act to lay off and establish a new county by the name of Bragg, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill 622, House bill 366—A bill to be entitled an act to extend the time of E. A. Gupton, ex-sheriff of Franklin county, to make settlement with the county treasurer, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill 621, House bill 203—A bill to be entitled an act to amend chapter 139, laws of 1870-'71, in relation to the fees of justices of the peace, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill 626—A bill to be entitled an act to authorize the commissioners of Chowan county to issue coupon bonds, in order to liquidate the liabilities of said county, with accompanying amendments.

Senate bill 617, House bill 404—A bill to be entitled an act to allow the commissioners of Washington county to levy a special tax, and for other purposes, with accompanying amendments.

From Committee on Judiciary:

By Mr. Gudger—Senate bill 455—A bill to be entitled an

act to provide for and regulate the adoption of minor children, with a recommendation that it do pass.

Senate bill 405—A bill to be entitled an act to change the terms of the Superior Courts in the Ninth Judicial District, with a recommendation that it lie upon the table. The recommendation was concurred in.

By Mr. Allen—Senate bill 637—A bill to be entitled an act to provide for filling vacancies in the office of county surveyor, with a recommendation that it do pass.

By Mr. Todd—Senate bill 629—A bill to be entitled an act to amend the law of evidence relating to the conveyance of real estate, with a recommendation that it do pass.

By Mr. Grandy—Senate bill 324—A bill to be entitled an act to prevent the sale of reversionary estates under execution, with a recommendation that it do not pass.

Senate bill 440—A bill to be entitled an act concerning establishing and laying off public highways, with a recommendation that it do pass.

From Committee on Education:

By Mr. Cunningham—Senate bill 623—A bill to be entitled an act to repeal chapter 19, laws of 1868-'69, with accompanying amendment.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By the Committee on Finance—A bill to be entitled an act for the relief of the Commercial Bank of Wilmington. Placed on the Calendar.

By the Committee on Propositions and Grievances—A bill to be entitled an act to prohibit the sale of spirituous liquors in certain localities. Placed on the Calendar.

By Mr. Chamberlain—A bill to be entitled an act in favor of the heirs of Jesse McCoy, deceased. To the Committee on Claims.

By Mr. Cunningham—A bill to be entitled an act to authorize public schools in cities and towns of more than

two thousand inhabitants. To the Committee on Education.

By message from the House of Representatives—House bill 361—A bill to be entitled an act to incorporate the Goldsboro Banking and Loan Association. To the Committee on Corporations.

House bill 443—A bill to be entitled an act to protect cattle from distemper and other infectious diseases. To the Committee on Proposition and Grievances.

House bill 250—A bill to be entitled an act to re-enact an act to secure advances made for agricultural purposes. To the Committee on Agriculture.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 562—A bill to be entitled an act in relation to the sale of ardent spirits.

Mr. Love moved that the bill be considered by sections. The motion prevailed.

The first section prevailed.

The first section was read.

Mr. Avera moved to amend by striking out all after the word "adjournment" in line 9. The amendment did not prevail.

Mr. Morehead, of Guilford, moved to strike out the section.

The yeas and nays were ordered on demand of Mr. Love, and the motion prevailed. Yeas 29; nays 13.

*Affirmative*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Eppes, Grandy, Holloman, Horton, Humphrey, Mabson, McCabe, McCauley, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Waring, Welch and Worth—29.

*Negative*—Messrs. Avera, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Long, Love, Murphy, Respass, Todd and Walker—13.

The second section was read.

Mr. Cowles moved to strike out this section.

The question recurring on the motion to strike out, the

yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 28; nays 11.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Mabson, McCabe, McCauley, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Price, Scott, Smith, Stafford, Waring and Worth—28.

*Negative*—Messrs. Avera, Barnhardt, Ellis of Columbus, Gudger, Long, Love, Miller, Nicholson, Respass, Todd and Walker—11.

The third section was read.

Mr. Cowles moved to strike out the section. The motion to strike out prevailed.

The fourth section was read.

Mr. Morehead, of Guilford, moved to amend by adding to the section the following: "Nor shall any liquor dealer give any intoxicating drink to any person under twenty-one yeas of age." The amendment prevailed.

The fifth section was read.

Mr. Morehead, of Guilford, moved to amend by inserting the words "receive or," after the word "to" in line 1. The amendment prevailed.

Mr. Morehead, of Guilford, moved to amend further by striking out all after the word "minor" in line 7. The amendment prevailed.

The sixth section was read.

The seventh section was read.

Mr. Love moved to amend the section by inserting the word "or" between the words "one" and "two" in line 2, by striking out the words "four or five" in line 3, by striking out all after the word "not" in line 5, down to the word "less" in line 7, and by striking out in line 8 the words "in like manner." The amendment prevailed.

Mr. Worth moved to amend by inserting the word "may"

before the word "be" in line 8. The amendment prevailed.

The eighth and ninth sections were severally read.

Mr. Morehead moved to amend the title of the bill so that it should be—A bill to be entitled an act to prevent the sale of ardent spirits to minors. The amendment prevailed.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Cowles, and the bill passed second time. Yeas 29; nays 12.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Columbus, Eppes, Hill, Holloman, Long, Love, Mabson, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Dunham, Flemming, Grandy, Gudger, Horton, Humphrey, McCabe, McCauley and McCotter—12.

On motion, the rules were then suspended and the bill was read and passed third time. Yeas 28; nays 12.

*Affirmative*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Hill, Holloman, Long, Love, Mabson, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Dunham, Flemming, Grandy, Gudger, Horton, McCabe, McCauley, McCotter and Price—12.

Mr. Morehead, of Guilford, moved to reconsider the vote just had, and to lay that motion on the table.

The motion to lay upon the table prevailed.

The Senate then proceeded to consider Senate bill —, A bill to be entitled an act to prohibit the sale of ardent spirits in certain localities. The bill was read and passed second time.

Mr. Love moved that the bill be recommitted to the Committee on Propositions and Grievances, together with

certain amendments offered and adopted on the second reading of the bill, and that the bill be made special order for 11 A. M. of to-morrow. The motion prevailed.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution 314, House resolution 86—Resolution of instruction to the Secretary of State. Laid on the table.

Senate resolution 313, House resolution 128—Resolution in regard to repairs on the hall of the House. Laid on the table.

Senate bill 425—A bill to be entitled an act to incorporate the Great Western Air-Line Railway Company. Made special order for 1 P. M. of to-morrow.

Senate bill 598, House bill 378—A bill to be entitled an act to provide for the printing and publication of "Battle's Revisal" of the public statute laws of North Carolina, and for other purposes. Read and passed second and third times. Yeas 35 ; nays 2.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Horton, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—35.

*Negative*—Messrs. Gudger and Respass—2.

The bill was ordered to be forthwith enrolled for ratification.

Senate bill 508, House bill 43—A bill to be entitled an act to amend an act relative to the Western turnpike road, &c., ratified the 17th day of March, 1869. Read and passed second and third times. Yeas 36 ; nays 1.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Love, Mabson, McCabe, Mc-

Cauley, McCotter, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Scott, Smith, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Mr. Allen—1.

Senate bill 336—A bill to be entitled an act to prevent the destruction of timber. The bill was read second time.

The yeas and nays were ordered on demand of Mr. Respass, and the bill passed second time. Yeas 23 ; nays 2.

*Affirmative*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Hill, Horton, Love, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Scott, Stafford, Todd, Waring, Welch and Worth—23.

*Negative*—Messrs. Respass and Walker—2.

The bill was read and passed third time. Yeas 31 ; nays 2.

*Affirmative*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Respass, Scott, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—31.

*Negative*—Messrs. Eppes and Long—2.

Bills on second reading were acted on as follows :

Senate bill 301, House bill 108—A bill to be entitled an act amendatory of the act of 21st of December, 1871, concerning the appointment of Judges to hold special terms. Read and passed second time.

Senate bill 334—A bill to be entitled an act to amend chapter 185, acts of 1869-'1870. Laid on the table.

Senate bill 302, House bill 79—A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances. Read and passed second time.

Senate bill 320—A bill to be entitled an act to amend section 45, chapter 199, public laws of 1871-'72. Laid on the table.

Senate bill 331—A bill to be entitled an act to establish a

hospital for the insane of North Carolina. Made special order for 11 A. M. of Friday next.

Senate bill 327—A bill to be entitled an act amendatory of an act entitled “an act of final jurisdiction of justices of the peace in criminal actions,” chapter 4, laws of 1868-’69. Laid on the table.

The Senate then adjourned.

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EVENING SESSION.

7½ O’clock P. M., February 18, 1873.

The Senate met and proceeded to consider the special order for 7½ o’clock P. M., to-wit: The motion of Mr. Morehead, of Guilford, to reconsider the vote by which Senate bill 543, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank to provide the ways and means for building a court-house. Passed third time.

Mr. Grandy moved that the consideration of the motion to reconsider be postponed until 7½ o’clock P. M. of to-morrow. The motion to reconsider prevailed.

Mr. Grandy moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Worth, and the motion prevailed. Yeas 23; nays 7.

*Affirmative*—Messrs. Allen, Chamberlain, Dunham, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Long, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Norwood, Powell, Price, Respass, Scott, Todd, Walker and Waring—23.

*Negative*—Messrs. Barnhardt, Cowles, Cunningham, Mabson, McCauley, Welch and Worth—7.

## FIFTY-NINTH DAY.

SENATE CHAMBER, February 19, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Cowles for one day, and to Mr. Grandy indefinitely.

Mr. Ellis, of Columbus, presented a petition from certain citizens of Columbus county praying the prohibition of the sale of intoxicating liquors within one mile of Peacock Store, in Columbus county, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Love—Senate bill 624—A bill to be entitled an act to fix the fees of the coroner of Mecklenburg county, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Mr. Love also reported the following named bills, with a recommendation that they be laid upon the table, which recommendation was concurred in by the Senate:

Senate bill 169, House bill 25—A bill to be entitled an act to prohibit the sale of intoxicating liquors within one mile of any religious congregation.

Senate bill 601—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Zion Church, in Richmond county.

Senate 565—A bill to be entitled an act to prohibit the sale of spirituous liquors within one half mile of the Fair Grounds of the Roanoke and Tar River Agricultural Society.

Senate bill 560—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Clayton, in Johnston county.

Senate bill 537—A bill to be entitled an act to prevent the sale of intoxicating liquors within two miles of the town of Rockingham, in the county of Richmond.

Senate bill 529—A bill to be entitled an act to prevent the sale of spirituous liquors within one and a half miles of Harrisburg, in Cabarrus county.

Senate bill 529, House bill 309—A bill to be entitled an act to prohibit the sale of intoxicating liquors within three miles of Mount Pleasant Academy, Cherokee county.

Senate bill 509, House bill 348—A bill to be entitled an act prohibiting the sale of spirituous liquors in or near the town of Carthage, in Moore county.

Senate bill 507, House bill 162—A bill to be entitled an act to prohibiting the sale of spirituous liquors near Beauty Spot Church, in the county of Robeson.

Senate bill 500, House bill 204—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Judson Female College, in the town of Hendersonville.

Senate bill 478—A bill to be entitled an act to prevent the sale of spirituous liquors.

Senate bill 445—A bill to be entitled an act to prohibit the sale of spirituous liquors within the corporate limits of the town of Rutherfordton.

Senate bill 444—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Big Branch Baptist Church, in Robeson county.

Senate bill 442—A bill to be entitled an act to prevent the sale of spirituous liquors within one and a half miles of Cherry Grove Baptist Church, in the county of Columbus.

Senate bill 372—A bill to be entitled an act to prohibit the sale of intoxicating liquors to minors.

Senate bill 358—A bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Goose Creek Island Church.

Senate bill 356—A bill to be entitled an act to prevent the

sale of spirituous liquors within three miles of Cumberland Union Church.

Senate bill 264—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Concord Church, in Beaufort county.

Senate bill 253—A bill to be entitled an act to prohibit the sale of intoxicating liquors to minors.

Senate bill 206—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Shiloh Church, in the county of New Hanover.

Senate bill 195, House bill 144—A bill to be entitled an act to prohibit the sale of spirituous liquors within one and a half miles of Cold Spring Camp Ground.

Senate bill 163—A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Pleasant Plains Church, in the county of Columbus.

Senate bill 141—A bill to be entitled an act to prohibit the sale of spirituous liquors in Mount Gilead township, in Montgomery county.

From Committee on Judiciary :

By Mr. Dunham—Senate resolution 335—Resolution of instruction to the Committee on Finance, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

From Committee on Claims :

By Mr. Flemming—Senate bill 643—A bill to be entitled an act in favor of Jesse McCoy, deceased, with a recommendation that it do pass.

From Committee on Library :

By Mr. Flemming—Senate resolution 300, House resolution 68—Resolution in relation to the public library, with a recommendation that it do pass.

Senate resolution 228—Resolution in relation to the library, with a recommendation that it do not pass.

From Committee on Corporations :

By Mr. Welch—Senate bill 631—A bill to be entitled an

act to amend an act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell, with a recommendation that it do pass.

From Committee on Education :

By Mr. Cunningham—Senate bill 645—A bill to be entitled an act to authorize public schools in towns and cities of more than two thousand inhabitants, with accompanying amendments.

On motion of Mr. Cunningham, the rules were suspended, the amendments offered by the committee were adopted and the bill was ordered to be printed.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Murphy—A bill to be entitled an act for the benefit of the North Carolina Institution for the Deaf and Dumb and the Blind. To the Committee on Deaf and Dumb.

By Mr. Eppes—A bill to be entitled an act to amend the charter of the Halifax and Scotland Neck Railroad Company. To the Committee on Internal Improvements.

By Mr. Gudger—A bill to be entitled an act to incorporate the John's River Bridge Company. To the Committee on Corporations.

By Mr. Ellis, of Catawba—A bill to be entitled an act to incorporate the North Carolina Classis of the Reformed Church in the United States. To the Committee on Corporations.

By message from the House of Representatives—House bill 184—A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Horeb Church, in Robeson county. To the Committee on Propositions and Grievances.

House bill 230—A bill to be entitled an act to repeal parts of chapter 250, laws of 1868-'69. To the Committee on Judiciary.

House bill 230—A bill to be entitled an act to authorize

the board of trustees of Cary township, in the county of Wake, to levy a special tax. To the Committee on Propositions and Grievances.

House bill 278—A bill to be entitled an act to prohibit the sale of intoxicating liquors on the Sabbath day. To the Committee on Propositions and Grievances.

House bill 326—A bill to be entitled an act to protect the navigation of White Oak and Trent rivers, in Jones county. To the Committee on Propositions and Grievances.

House bill 380—A bill to be entitled an act to authorize the commissioners of the town of Murfreesboro to levy taxes. To the Committee on Propositions and Grievances.

House bill 313—A bill to be entitled an act to amend the act to lay off and establish the county of Dare. To the Committee on Propositions and Grievances.

House bill 331—A bill to be entitled an act to make Trent river a lawful fence, in Jones county. To the Committee on Propositions and Grievances.

House bill 344—A bill to be entitled an act to relieve county commissioners. To the Committee on Propositions and Grievances.

House bill 393—A bill to be entitled an act making it the duty of Judges of the Superior Courts to approve or disapprove of the clerks' judgments in special proceedings within twenty days. To the Committee on Judiciary.

House bill 397—A bill to be entitled an act to regulate the customary penning of sheep in Kennekeet and Hatteras townships, in the county of Dare. To the Committee on Propositions and Grievances.

House bill 458—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell the present jail, and for other purposes. To the Committee on Propositions and Grievances.

House bill 470—A bill to be entitled an act to change the time of holding Superior Courts of Northampton county. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 191—Resolution to authorize the Auditor to issue a duplicate warrant for \$280 to Elijah Merrill, sheriff of Onslow county. Referred to the Committee on Claims.

By Mr. Love—Resolution in favor of Samuel Cabe. Referred to the Committee on Propositions and Grievances.

Resolution in favor of A. J. Partin. Referred to the Committee on Claims.

By the Joint Select Committee on Adjournment—Resolution on adjournment under a suspension of the rules. Read and adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Worth moved that the rule making the consideration of the several motions to reconsider certain of the votes heretofore made and entered on the Journal as special order for 12 M. of to-day be discharged, and that the consideration of said motions be made special order for 12 M. of Friday next.

Mr. Mabson moved to lay the motion to postpone on the table.

The question recurring on the motion to lay on the table, the yeas and nays were ordered on demand of Mr. Mabson, and the motion did not prevail. Yeas 7; nays 29.

*Affirmative*—Messrs. Chamberlain, Hill, Holloman, Mabson, McCabe, Smith and Walker—7.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Respass, Stafford, Todd, Waring, Welch and Worth—29.

The question then recurring on the motion to postpone and make special order, it prevailed.

On motion of Mr. Dunham, it was ordered that 250 ad-

ditional copies of the report of the Board of Public Charities be printed.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 285—A bill to be entitled an act providing for the biennial election of officers of the General Assembly, and prescribing their duties.

Mr. Love moved that the bill be read by sections. The motion prevailed.

The first, second, third and fourth sections were severally read.

The fifth section was read.

Mr. Dunham moved to amend by striking out all after the word "him" in line 15, and inserting in lieu thereof the following: "He shall prepare an exact copy of the Journal of his House, and also a full index thereto for publication, and shall receive as compensation therefor one hundred dollars; he shall prepare and file an exact copy of the Journal of his House in the office of the Secretary of State, after it shall have been duly attested by his own signature and that of the presiding officer of the House, and shall receive as compensation therefor one hundred dollars." The amendment prevailed.

Mr. Love moved to amend by striking out all after the word "him" in line 15. The amendment prevailed.

The sixth, seventh and eighth sections were severally read.

The ninth section was read.

Mr. Dunham moved to amend by striking out in line 3 the words "with all amendments thereto" by inserting after the word House in line 5 the following: "He shall also engross in a fair, legible hand, all amendments adopted by his House to bills, resolutions, &c., passed by the other House and ordered to be returned for concurrence to the House in which said bill or resolution originated," and by adding to the section the following: "*Provided*, That nothing herein contained shall be construed so as to interfere with the right of either House to transmit bills and resolutions without

engrossment, or with the right of either House to direct by special order the manner in which any bill, resolution or amendment shall be engrossed or transmitted to the other House." The several amendments prevailed.

Mr. Welch moved to amend by striking out "three" and inserting the word "two" in line 11, by inserting the word "they" after the word "and" in line 17, by striking out the words "or the" in line 19, and by inserting the words "or ratifying" after the word enforcing in line 19. The amendments prevailed.

The tenth and eleventh sections were severally read.

The twelfth section was read.

Mr. Welch moved to amend by inserting the following after the word service in line 3: "In addition to the duties imposed on the Office Clerk by the Principal Clerk, he shall give assistance when necessary to the Engrossing Clerk of the same House." The amendment prevailed.

Mr. Welch moved to further amend by striking out the word "three" and inserting the word "five."

Mr. Morehead, of Guilford, moved to strike out the section.

Mr. Todd moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Todd, and the motion prevailed. Yeas 29; nays 9.

*Affirmative*.—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Hill, Holloman, Horton, Humphrey, Long, Love, Mabson, McCauley, McCotter, Miller, Nicholson, Powell, Price, Respass, Smith, Stafford, Todd, Walker, Waring and Welch—29.

*Negative*.—Messrs. Allen, Dunham, Eppes, Flemming, Gudger, McCabe, Morehead of Guilford, Murphy and Welch—9.

Mr. Love moved to reconsider the vote just had, and to make the consideration of that motion special order for 8 P. M. of Friday next.

Mr. Avera moved that the motion to reconsider lie upon the table. The motion to lay upon the table prevailed.

Mr. Love, by consent, reported from the Committee on Propositions and Grievances—Senate bill—A bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities, with certain amendments.

On motion, the rules were suspended and the Senate at once proceeded to consider the bill.

The bill was read third time. The amendments offered by the Committee on Propositions and Grievances prevailed.

Mr. Flemming moved to amend by striking out the words "New Hope Church in Wake county." The amendment prevailed.

Mr. Dunham moved to amend by striking out "the Fair Grounds of the Roanoke and Tar River Agricultural Society." The amendment did not prevail.

Mr. Love moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on its passage, the bill passed third time. Yeas 29 ; nays 8.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Price, Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Chamberlain, Cowles, Davis, Dunham, Eppes, Gudger, McCabe and Powell—8.

Bills on third reading were acted on as follows :

Senate 321—A bill to be entitled an act for the improvement of the agriculture of the State. The bill was read third time.

The question recurring on the amendment offered by Mr. Merrimon, it did not prevail.

Mr. Norwood offered an amendment in the nature of a substitute.

Mr. Love moved to amend the substitute by striking out in section 1, "where no other charge is fixed by law," and

by adding to section 1 the following: "*Provided*, The compensation shall be paid out of the fund provided for in section 15, chapter 2, Revised Code."

Mr. Todd moved that the bill be referred to the Committee on Immigration. The motion to refer prevailed.

Senate bill 72—A bill to be entitled an act to amend section 66, of chapter 113, of the acts of 1868-'69. Read and passed third time. Yeas 25; nays 1.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Humphrey, Love, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Powell, Price, Smith, Stafford, Todd and Waring—25.

*Negative*—Mr. Respass—1.

Senate bill 89—A bill to be entitled an act to revive an act to incorporate the Bank of Raleigh. Read third time.

The amendment in the nature of a substitute offered by the Committee on Judiciary prevailed, and the bill was rejected. Yeas 12; nays 20.

*Affirmative*—Messrs. Avera, Dunham, Ellis of Catawba, Ellis of Columbus, Hill, Long, Love, McCabe, Morehead of Rockingham, Stafford, Todd and Walker—12.

*Negative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Flemming, Harris, Holloman, Humphrey, McCauley, McCotter, Morehead of Guilford, Nicholson, Norwood, Powell, Price, Respass, Smith, Waring and Worth—20.

Mr. Flemming moved to reconsider the vote just had, and to make the consideration of that motion special order for 1 P. M. of to-day. The motion to make special order prevailed.

At 1 P. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 425—A bill to be entitled an act to incorporate the Great Western Air-Line Railway Company. The bill was read and passed second time.

On motion, the rules were suspended and the bill was read and passed third time. Yeas 32; nays 2.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, McCabe, McCotter, Miller, Morehead of Guilford, Morehad of Rockingham, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd and Waring—32.

*Negative*—Messrs. Chamberlain and Cowles—2.

Mr. Waring moved to reconsider the vote just had and to lay that motion on the table. The motion to lay on the table prevailed.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 197—A bill to be entitled an act to recharter the Hickory Nut Turnpike Company. Recommitted to the Committee on Internal Improvements.

Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, entitled "an act to established a turnpike road from Marion, in the county of McDowell, to Asheville in Buncombe county. Made special order for 11 A. M. of to-morrow.

Senate bill 428—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh. Made special order for 8 P. M. of to-day.

Senate bill 596, House bill 371—A bill to be entitled an act to provide for the collection of taxes, &c. Made special order for five minutes before 11 A. M. of to-morrow, and for 11 A. M. of each day thereafter until disposed of.

Senate resolution 604—Resolution of instruction to the keeper of public grounds and buildings. Read and adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate resolution 613—Resolution concerning the printing of the muster rolls of the war of 1812. Read and

adopted, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to levy a special tax in Greene county.

An act to empower the commissioners of Caldwell county to levy a special tax.

An act to allow the county commissioners of Currituck to levy a special tax.

An act to authorize the commissioners of Harnett county to levy a special tax.

An act to authorize the commissioners of Lenoir county to levy a special tax.

An act to authorize the commissioners of Granville county to levy a special tax.

An act to authorize the commissioners of Swain county to levy a special tax.

An act to authorize the commissioners of Montgomery county to levy a special tax.

An act to authorize the commissioners of Person county to levy a special tax.

An act to allow the county commissioners of Transylvania to levy a special tax.

An act to allow the county commissioners of Columbus to levy a special tax.

An act to authorize the commissioners of Moore county to levy a special tax.

An act to incorporate the Mechanics' Hose Company of Wilmington, North Carolina.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 339—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville.

Amendments to Senate bill 217, House bill 100—A bill to be entitled an act to levy a special tax in the county of Bladen.

Senate resolution—Resolution on adjournment.

Senate resolution 587—Resolution in favor of Brunswick, Edgecombe and Northampton counties.

Senate bill 457—A bill to be entitled an act to allow the county commissioners of Camden county to levy a special tax.

Senate bill 599—A bill to be entitled an act to authorize the commissioners of Pitt county to levy a special tax.

Senate bill 550—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax.

Senate bill 524—A bill to be entitled an act to re-enact and continue in force an act to empower the commissioners of Cumberland county to levy a special tax.

The Senate then adjourned.

#### EVENING SESSION.

7½ O'CLOCK P. M., February 19, 1873.

The Senate met and proceeded to consider the special order for the hour, to-wit: the motion of Mr. Morehead, of Guilford, to reconsider the vote by which Senate bill 595, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house. Passed third time.

Mr. Waring moved to lay the motion on the table. The yeas and nays were ordered on demand of Mr. Price, and the motion to lay upon the table prevailed. Yeas 17; nays 14.

*Affirmative*—Messrs. Allen, Barnhardt, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Horton, Love,

McCauley, Morehead of Rockingham, Nicholson, Powell, Price, Stafford, Todd and Waring—17.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Hill, Long, McCabe, McCotter, Miller, Murphy, Norwood, Respass, Scott, Smith and Walker—14.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 428—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh. The bill was read second time.

Mr. Hill, by consent, submitted a report from a minority of the Committee on Propositions and Grievances recommending that the bill do not pass. The question then passed second time.

The Senate then adjourned.

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## SIXTIETH DAY.

SENATE CHAMBER, February 20, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Norwood presented a communication from one J. S. Anderson, which was read and ordered to be transmitted to the House of Representatives.

Reports from standing committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Humphrey—Senate bill 664—A bill to be entitled an act to amend the charter of the Halifax and Scotland Neck Railroad Company, with a recommendation that it do pass.

By Mr. Morehead, of Rockingham—Senate bill 532—A bill to be entitled an act to incorporate the Danville, Hills-

boro and Lockville Railroad Company, with a recommendation that it do pass.

Senate bill 638—A bill to be entitled an act to insure the completion of "The Western Railroad," with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill 164—A bill to be entitled an act to change the dividing line between Franklin and Granville counties, with accompanying amendments.

By Mr. Avera—Senate bill 511, House bill 300—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the court-house in the town of Morganton, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Dunham—Senate resolution 212—Resolution of instruction to the Judiciary Committee, with a request that the committee be discharged from the further consideration. The committee was discharged.

By Mr. Gudger—Senate bill 639—A bill to be entitled an act relating to costs in civil actions, with a recommendation that it do not pass.

Senate petition 220—Petition of A. W. Shaffer, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate bill 383—A bill to be entitled an act to aid planters, miners, mechanics, manufacturers and others, in the prosecution of their respective callings and business, with a recommendation that it do not pass.

Senate bill 568, House bill 116—A bill to be entitled an act to amend section 2, chapter 95, laws of 1871-'72, with a recommendation that it do pass.

Senate bill 655—A bill to be entitled an act to amend section 343 of the Code of Civil Procedure, with a recommendation that it do pass.

By Mr. Todd—Senate resolution 477—Resolution for the

relief of W. W. Holden, with a recommendation that it do not pass.

Senate bill 593, House bill 415—A bill to be entitled an act to cure any irregularity that may exist in the titles to certain lands in Macon and Clay counties, with a recommendation that it do pass.

Senate bill 634—A bill to be entitled an act to amend the Code of Civil Procedure on the subject of appeals, with a recommendation that it do pass.

Senate bill 562—A bill to be entitled an act to amend sections 264, 265 270, and 273 of the Code of Civil Procedure, with a recommendation that it do pass.

Senate bill 146—A bill to be entitled an act to repeal chapter 179 of the public laws of 1870-71, and re-enact chapter 90 of the public laws 1869-'70, requiring a suit to be instituted against the Albemarle and Cheseapeake Canal Company, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

From Committee on Education :

By Mr. Cunningham—Senate bill 521, House bill 292—A bill to be entitled an act to change the time for the meetings of the board of commissioners and county board of education of the county of Carteret, with a recommendation that it do pass.

From Committee on Claims :

By Mr. Ellis, of Columbus—Senate resolution 582, House resolution 26—Resolution in favor of J. C. Brewster, with a recommendation that it do pass.

By Mr. Mabson—Senate resolution 556, House resolution 117—Resolution in favor of James C. McGowan, with a recommendation that it do pass.

From Committee on Corporations :

By Mr. Welch—Senate bill 668—A bill to be entitled an act to incorporate the John's River Bridge Company, with

a report that the bill was unaccompanied by the necessary tax receipt.

Senate bill 667—A bill to be entitled an act to incorporate the North Carolina Classis of the Reformed Church in the United States, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Stafford—A bill to be entitled an act to establish a public ferry across the Yadkin river. To the Committee on Propositions and Grievances.

By Mr. Love—A bill to be entitled an act to amend the charter of the Western Division of the Western North Carolina Railroad. To the Committee on Internal Improvements.

By Mr. Nicholson—A bill to be entitled an act to regulate the sale of land sold under execution. To the Committee on Judiciary.

By the Committee on Propositions and Grievances—A bill to be entitled an act touching the sale of spirituous liquors in certain localities. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Avera—Resolution limiting debate in the Senate for the remainder of the session. Adopted.

By Mr. Waring—Resolution to raise a Joint Select Committee on the Contract for the Penitentiary. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 164—A bill to be entitled an act to change the dividing line between Franklin and Granville counties. Made special order for 8½ P. M. of to-night.

Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turn-

pike road from Marion, in the county of McDowell, to Asheville, in the county of Buncombe. Made special order for 11 A. M. of to-morrow.

Senate resolution 674—Resolution to raise a Joint Select Committee on the Contract for the Penitentiary. The resolution was read.

Mr. Worth moved to amend by adding the following: "*Resolved further*, That said committee be instructed to report what tax will be necessary to provide for the support of the institution for the present year." The amendment prevailed and the resolution was adopted.

Mr. Waring moved to reconsider the vote by which the resolution was adopted, and that that motion lie on the table. The motion to lay on the table prevailed.

Senate bill —A bill to be entitled an act declaring what portion of the debt of North Carolina is valid, and to pay off the same, &c. Made special order for 11 A. M. of Monday next.

Senate bill 673—A bill to be entitled an act touching the sale of spirituous liquors in certain localities. The bill was read second time.

Mr. Ellis, of Catawba, moved to amend by striking out the words "court-house in Burke county or." The amendment prevailed, and the bill passed second time. The bill was read and passed third time. Yeas 27; nays 2.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Holloman, Humphrey, Long, Love, Mabson, McCabe, McCauley, Miller, Murphy, Nicholson, Norwood, Powell, Respass, Smith, Todd, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Dunham, and Morehead of Rockingham—2.

At five minutes before 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 596, House bill 371—A bill to be entitled an act to provide

for the collection of taxes by the State, and by the several counties of the State on property, polls and income.

Mr. Welch moved that the motion be considered by sections. The motion prevailed.

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sections were severally read.

The eleventh section was read.

Mr. Respass moved to amend by striking out all after the word "society," in line 12, sub-section 2, of said section. The yeas and nays were ordered on demand of Mr. Respass, and the amendment did not prevail. Yeas 13; nays 23.

*Affirmative*—Messrs. Chamberlain, Cramer, Ellis of Columbus, Eppes, Hill, Holloman, Horton, Mabson, McCabe, McCotter, Respass, Smith and Walker—13.

*Negative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Humphrey, Long, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring, Welch and Worth—23.

Mr. Norwood moved to amend the section by adding the following to sub-division 2: "if the excess over 20 acres is of value exceeding one thousand dollars." The amendment prevailed.

The twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections were severally read.

The nineteenth section was read.

Mr. Mabson moved to amend by striking out all of the section after the word "rendered" in line 9.

The yeas and nays were ordered on demand of Mr. Gudger, and the amendment did not prevail. Yeas 9; nays 24.

*Affirmative*.—Messrs. Chamberlain, Cramer, Eppes, Hill, Long, Mabson, McCabe, Respass and Walker—9.

*Negative*.—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Holloman, Horton, Love, McCauley, Miller, Morehead of

Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Waring and Worth—24.

The twentieth, twenty-fifth, twenty-second, twenty-third, twenty-fourth, twenty-first and twenty-six sections were severally read.

The twenty-seventh section was read.

Mr. McCotter moved to amend by striking out the word "September" and inserting the word "October" in line 10. The amendment prevailed.

The twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-six, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third and forty-fourth sections were severally read.

The question then recurring on its passage, the bill passed second time. Yeas 26; nays 7.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—26.

*Negative*—Messrs. Cramer, Eppes, Holloman, Long, Mabson, McCabe and Respass—7.

On motion the rules were suspended and the bill was read third time.

Mr. Respass moved to amend by striking out in section 1, line 9, the words "not more than ten dollars each" and inserting the words "not to exceed \$20 each." The amendment did not prevail.

Mr. Respass moved to amend by striking out the words "some place" in line 6, section 27, and insert the words "one or more places." The amendment prevailed.

Mr. McCauley moved to amend by striking out the twenty-seventh section. The amendment did not prevail.

Mr. McCauley offered to amend by adding the following as an additional section: "The sheriff, and in case of his

death, his sureties shall have one year, and no longer, from the day prescribed for his settlement of State taxes to finish his collection of all taxes, but this extension of time for collection shall not extend the time of his settlement of the taxes. The amendment did not prevail.

Mr. Avera moved to amend by adding the following to section 27: "except in cases where the tax-payer is removing himself or his property out of the county. The amendment did not prevail.

Mr. Gudger moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on its passage, the bill passed third time. Yeas 25; nays 8.

*Affirmative*—Messrs. Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Holloman, Horton, Long, Love, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Waring, Welch and Worth—25.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Hill, Mabson, McCauley, Respass and Smith—8.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Carolina Central Railway Company.

An act to provide for the printing and publication of Battle's Revisal of the public statute laws, and for other purposes.

An act to amend an act entitled an act relative to the Western turnpike road, leading from Asheville westward.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate resolution 674—Resolution to raise a Joint Select Committee on the Contract for the Penitentiary.

Senate bill 336—A bill to be entitled an act an act to prevent the destruction of timber.

Senate bill 562—A bill to be entitled an act in relation to the sale of intoxicating spirits.

Senate resolution 604—Resolution of instruction to the keeper of the public grounds and buildings.

Senate resolution 613—Resolution to print the muster rolls of the war of 1812.

Senate bill 425—A bill to be entitled an act to incorporate the Great Western Air-Line Railway Company.

Amendments to Senate bill 595, House bill 296—A bill to be entitled an act to authorize the commissioners of Pasquotank county to provide the ways and means for building a court-house.

The Senate then adjourned.

#### EVENING SESSION.

7½ O'CLOCK P. M., February 20, 1873.

The Senate met pursuant to order.

Mr. Allen moved that the rules be suspended and Senate bill 544—A bill to be entitled an act amendatory of an act providing for a board of public charities, be made special order for 11 A. M. of to-morrow.

The yeas and nays were ordered on demand of Mr. Price, and the motion prevailed. Yeas 26; nays 7.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Horton, Humphrey, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring and Worth—26.

*Negative*—Messrs. Cramer, Holloman, Long, Mabson, McCotter, Respass and Walker—7.

At 8 P. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 164—A bill to be entitled an act to change the dividing line between the counties of Granville and Franklin. The bill was read the second time. The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 21; nays 11.

*Affirmative*—Messrs. Avera, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Stafford, Todd, Waring, Welch and Worth—21.

*Negative*—Messrs. Cramer, Cunningham, Eppes, Holloman, Hyman, Love, Mabson, McCotter, Respass, Scott and Smith—11.

Mr. Dunham moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay upon the table prevailed.

Bills on third reading were acted on as follows:

Senate bill 428—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh. The bill was read third time.

Mr. Harris moved to amend by inserting after the word "Raleigh" the following: "all other incorporated cities and towns in the State."

The question recurring on the amendment, the yeas and nays were ordered on demand of Mr. Mabson, and the amendment prevailed. Yeas 10; nays 27.

*Affirmative*—Messrs. Chamberlain, Harris, Hill, Holloman, Hyman, Long, Mabson, Respass, Smith and Walker—10.

*Negative*—Messrs. Allen, Avera, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCabe, McCauley, Miller, Morehead of Guilford,

Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—27.

Mr. Mabson moved to amend by inserting after the word 'Raleigh' the word "Hillsboro." The yeas and nays were ordered on demand of Mr. Mabson, and the amendment did not prevail. Yeas 9; nays 23.

*Affirmative*—Messrs. Chamberlain, Hill, Holloman, Hyman, Long, Mabson, Respess, Smith and Walker—9.

*Negative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring and Worth—23.

The question then recurring on its passage, the bill passed third time. Yeas 22; nays 12.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Waring and Worth—22.

*Negative*—Messrs. Eppes, Harris, Hill, Holloman, Hyman, Long, Mabson, McCabe, McCotter, Respess, Smith and Walker—12.

Mr. Norwood moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay upon the table prevailed.

Senate bill 594, House bill 395—A bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax. Read and passed third time. Yeas 23; nays 4.

*Affirmative*—Messrs. Avera, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCotter, Miller, Morehead of Rockingham, Nicholson, Norwood, Scott, Smith, Stafford, Todd and Walker—23.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 594, House bill 420—A bill to be entitled an act to levy a special tax in the county of Alexander. Read and passed third time. Yeas 25; nays 4.

*Affirmative*—Messrs. Avera, Cunningham, Davis, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCotter, Miller, Morehead of Rockingham, Murphy, Norwood, Powell, Respass, Scott, Smith, Stafford, Todd, Walker and Worth—25.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

The Senate then proceeded to consider the motion to reconsider the vote by which Senate bill 89—A bill to be entitled an act to revive an act to charter the Bank of Raleigh failed to pass its third reading.

The question recurring on the motion to reconsider, it prevailed.

The question then recurring on the passage of the bill on its third reading, Mr. Morehead, of Guilford, moved to amend by adding the following to section 1: "*Provided*, That nothing herein contained shall be construed so as to relieve any guardian, administrator, or other person acting in a fiduciary capacity from any obligation or penalty contained in their bonds given in accordance with the laws of the State." The amendment prevailed, and bill passed third time. Yeas 29; nays 6.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Mabson, McCotter, Miller, Morehead of Guilford, Murphy, Powell, Respass, Scott, Smith, Todd, Walker, Waring and Worth—29.

*Negative*—Messrs. Ellis of Catawba, Love, McCauley, Morehead of Rockingham, Nicholson and Norwood—6.

Mr. Harris moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay upon the table prevailed.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution 172—Resolution in favor of John H. Hill. Read and passed second and third times.

Senate bill 511, House bill 300—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the court-house in the town of Morganton. Read and passed second and third times.

Senate bill 434—A bill to be entitled an act for the relief of the Commercial Bank of Wilmington. Made special order for 1 P. M. of to-morrow.

Senate bill 557—A bill to be entitled an act concerning the rate of interest. Made special order for 11½ A. M. of to-morrow.

Senate bill 524—A bill to be entitled an act for the relief of Pamlico county. Read and passed second and third times, and ordered to be forthwith transmitted to the House of Representatives for concurrence.

Senate resolution 300, House resolution 28—Resolution in relation to the public library. The resolution was read.

The yeas and nays were ordered on demand of Mr. Flemming, and the resolution was adopted. Yeas 19; nays 12.

*Affirmative*—Messrs. Allen, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Scott, Stafford, Todd and Waring—19.

*Negative*—Messrs. Avera, Chamberlain, Eppes, Harris, Hill, Hyman, Long, Love, Mabson, McCotter, Respass and Walker—12.

Senate resolution 366—Resolution in relation to refunding certain railroad tax to the sheriff of Iredell county, W. F. Watson. The resolution was read second time.

Mr. Nicholson moved to amend the resolution by inserting the following after the word cents: "and interest on the same at eight per cent. per annum from the time of payment of the money up to date." The amendment did not

prevail, and the resolution passed second time. The resolution was then read and passed third time. Yeas 26; nays 3.

*Affirmative*—Messrs. Allen, Avera, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Hyman, Long, Mabson, McCotter, Miller, Morehead of Rockingham, Nicholson, Norwood, Powell, Scott, Todd, Walker, Waring, Welch and Worth—26.

*Negative*—Messrs. Dunham, Love and Murphy—3.

Senate bill 349—A bill to be entitled an act to change the line between the counties of Bladen and Columbus. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 28; nays 1.

*Affirmative*—Messrs. Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Horton, Love, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell, Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Negative*—Mr. Hill—1.

Mr. Ellis, of Columbus, moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

Senate bill 664—A bill to be entitled an act to amend the charter of the Halifax and Scotland Neck Railroad Company. Read and passed second and third time. Yeas 30; nays 1.

*Affirmative*—Messrs. Avera, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Mabson, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell,

Respass, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Negative*—Mr. McCauley—1.

Mr. Avera moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

Senate bill 440—A bill to be entitled an act concerning the laying off and establishing of public highways. Read and passed second and third times. Yeas 27; nays 1.

*Affirmative*—Messrs. Avera, Chamberlain, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCotter, Miller, Morehead of Guilford Nicholson, Norwood, Powell, Scott, Stafford, Todd, Waring and Worth—27.

*Negative*—Mr. Respass—1.

Mr. Todd moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

A message was received from the House of Representatives informing the Senate that that body had concurred in Senate resolution 614—Resolution to raise a Joint Select Committee on the Contract for the Penitentiary, and designating Messrs. Brown, of Mecklenburg, Marler and Rhodes as the House branch of said committee.

Thereupon the Chair designated Messrs. Waring and Respass as the Senate branch of the committee.

The Senate then adjourned.

## SIXTY-FIRST DAY.

SENATE CHAMBER, February 21, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Mabson presented a memorial from the board of aldermen of the city of Wilmington, which was referred to the Committee on Corporations.

Leave of absence was granted to Messrs. Smith and Merri-  
mon until Monday next, and to Mr. Cramer indefinitely.

Reports from standing committees were submitted as follows :

From Committee on Propositions and Grievances :

By Mr. Love—Senate bill 289, House bill 11—A bill to be entitled an act to incorporate the town of Rockingham, in the county of Richmond, with an amendment in the nature of a substitute.

Senate bill 650, House bill 397—A bill to be entitled an act to regulate the customary penning of sheep in Kinnekeet and Hatteras townships, in the county of Dare, with a recommendation that it do pass.

Senate resolution 665—Resolution in favor of Samuel Cabe, with a recommendation that it do pass.

Senate bill 653, House bill 344—A bill to be entitled an act to relieve county commissioners, with a recommendation that it do pass.

Senate bill 657, House bill 278—A bill to be entitled an act to prohibit the sale of spirituous liquors on the Sabbath day, with accompanying amendments.

Senate bill 620—A bill to be entitled an act to establish a public ferry across the Yadkin river, with a recommendation that it pass.

Mr. Love also reported the following named bills and resolutions from the same committee, with a recommenda-

tion that all of said bills be laid upon the table, which recommendation was concurred in by the Senate.

Senate bill 652, House bill 380—A bill to be entitled an act to authorize the commissioners in the town of Murfresboro to levy taxes.

Senate bill 657, House bill 240—A bill to be entitled an act to authorize the board of trustees of Cary township, in the county of Wake, to levy a special tax.

Senate bill 656, House bill 313—A bill to be entitled an act to amend the act to lay off and establish the county of Dare.

Senate resolution 75—Resolution to pay sheriffs for holding Presidential election.

Senate bill 661, House bill 184—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Horeb Church, in Robeson county.

Senate bill 49, House bill 386—A bill to be entitled an act in relation to the sale of spirituous liquors in the town of Waynesville.

Senate bill 608—A bill to be entitled an act to prohibit the sale of spirituous liquors in the town of Kenansville.

Senate bill 515, House bill 151—A bill to be entitled an act in relation to the sale of spirituous liquors in the town of Durham.

From Committee on Claims:

By Mr. Ellis, of Columbus—Senate resolution 436, House resolution 155—Resolution in behalf of Jonas Cline, sheriff of Catawba county, with accompanying amendments.

By Mr. Miller—Senate resolution 658, House resolution 191—Resolution to authorize the Auditor to issue a duplicate warrant for \$280 to Elijah Merrill, sheriff of Onslow county, with a recommendation that it do pass.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of Mike Woods.

An act to incorporate the Mount Prospect Camp Ground, in the county of Union.

An act to authorize the commissioners of Bladen county to levy a special tax.

An act to incorporate the Selma Lodge of Ancient Free and Accepted Manson at Selma, Johnston county.

An act to incorporate the Square Stone Lodge, No. 10, Ancient York Masons, of the town of Warrenton.

An act to amend an act entitled "an act to incorporate the town of Catawba Vale, in the county of McDowell."

An act to incorporate the trustees of the Marion Baptist Church.

An act to amend the charter of the town of Milton, in Caswell county.

Resolution in regard to the sale of books by the Secretary of State.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence:

Senate bill 164—A bill to be entitled an act to change the dividing line between the counties of Franklin and Granville.

Senate bill 72—A bill to be entitled an act to amend section 16 chapter 113 of the acts of 1868-'69.

Senate bill 447—A bill to be entitled an act to allow cumulative suffrage in elections for commissioners of the city of Raleigh.

Senate bill 664—A bill to be entitled an act to amend the charter of the Halifax and Scotland Neck Railroad Company.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Chamberlain—A bill to be entitled an act to dig or dredge out the shoals and remove the obstructions of

Pasquotank river. To the Committee on Internal Improvements.

By Mr. Mabson—A bill to be entitled an act to amend the charter of the city of Wilmington. To the Committee on Corporations.

By message from the House of Representatives—House bill 339—A bill to be entitled an act to establish a house of correction and refuge in New Hanover county. To the Committee on Propositions and Grievances.

House bill 485—A bill to be entitled an act to incorporate the town of Asheboro, in the county of Randolph. To the Committee on Corporations.

House bill 436—A bill to be entitled an act to authorize the commissioners of Forsythe county to appoint a special tax collector.

House bill 287—A bill to be entitled an act to declare certain larcenies to be misdemeanors, and to provide for the punishment of the same. To the Committee on Judiciary.

By Mr. Cunningham—A bill to be entitled an act to protect the property of the University of North Carolina. To the Committee on Education.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cramer—Resolution providing for the indexing of the public laws. Laid over under the rules.

By Mr. Love—Resolution concerning the public printing Laid over under the rules.

A message was received from the House of Representatives informing the Senate that that body had concurred in Senate bill 232—A bill to be entitled an act to incorporate the City Hall Company of Charlotte, North Carolina, with certain amendments.

On motion, the Senate concurred in the House amendments.

Also another message informing the Senate that the

House had passed certain amendments to Senate bill 413, House bill 463—A bill to be entitled an act to incorporate the “ Old North State Lumber, Mining and Manufacturing Company.”

On motion, the Senate concurred in the House amendments.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution — Resolution concerning the public printing. The resolution was read.

Mr. Flemming moved to amend by striking out “seventy” and inserting “ninety.” The amendment prevailed.

Mr. Love moved that the resolution lie upon the table.

Mr. Morehead, of Guilford, moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Love, and it was adopted. Yeas 31 ; nays 3.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Holloman, Horton, Hyman, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Respass, Scott, Smith, Stafford, Todd, Walker and Worth—31.

*Negative*—Messrs. Cowles, Love and Mabson—3.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit : Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled “an act to establish a turnpike road from Marion, in the county of McDowell to Asheville, in the county of Buncombe. The bill was read second time.

Mr. Morehead, of Rockingham, moved to amend by striking out the eighth section.

The yeas and nays were ordered on demand of Mr. Cunningham, and the amendment prevailed. Yeas 15 ; nays 12.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Walker, Waring and Worth—15.

*Negative*—Messrs. Ellis of Catawba, Flemming, Gudger, Harris, Horton, Humphrey, Long, Love, McCabe, Scott, Todd and Welch—12.

The question then recurring on its passage, the bill passed second time. Yeas 20; nays 14.

*Affirmative*—Messrs. Cowles, Cramer, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Horton, Hyman, Love, McCabe, Miller, Nicholson, Price, Scott, Smith, Todd, Walker and Welch—20.

*Negative*—Messrs. Allen, Avera, Cunningham, Davis, Ellis of Columbus, Holloman, Long, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Powell and Worth—14.

The Senate then proceeded to consider the next special order, to-wit: Senate bill 557—A bill to be entitled an act concerning the rate of interest. The bill was read second time.

Mr. Morehead, of Guilford, moved to amend by adding the following to section 1: "And nothing contained in any of said charters shall be construed as to relieve any guardian, administrator or other person acting in a fiduciary capacity from any obligation or penalty contained in any bond by them given in pursuance of the law of this State."

Mr. Norwood moved to amend the amendment by adding thereto the following: "Each corporator in every corporation doing a banking business shall be personally liable for twice the nominal amount of the number of shares held or owned by him at the time any deposit in money is made in said corporation for the faithful payment of the same, which liability shall attach to the certificates of said shares of stock, and shall bind the original owner and every successive owner to whom it may be transferred, and the said corpora-

tion shall keep such a record of the transfer of its capital stock at all times to show the true persons to whom all such stock has been transferred." The amendment to the amendment did not prevail.

The question then recurring on the amendment offered by Mr. Morehead, of Guilford, it prevailed.

Mr. Norwood offered the following amendment to come in as an additional section next before the ratifying clause: "Every incorporation doing a banking business shall on the first day of January and first day of July of each year, or within ten days previous to those dates, published on three several days in the newspaper published nearest the place of business of said bank, an exhibit showing its condition for the six months next preceeding, in which exhibit shall always be included the amount of its capital stock paid in, the average amount of its deposits, and the average amount of its loans and other credits, and cash on hand and dividends made. And the said statement or exhibit shall be made under the oath of the president or cashier of said incorporation. And in default of such publication and for each default thereof, the defaulting corporation shall forfeit and pay the State the sum of five hundred dollars. And suit therefor shall be brought by the Public Treasurer against said defaulting corporation in the Superior Court of Wake county." The amendment prevailed.

Mr. Norwood offered the following amendment to come in as an additional section: "Every incorporation doing a banking business shall pay to the sheriff of the county in which its principal place of business is situated, in month of July in each year, the taxes assessed for the current year on the amount of its capital stock paid in, on the average amount of its deposits, on the dividends declared, and on the average excess of the amount of its notes and other credits, over the average amount of its deposits all for the preceeding year ending on the first day of said month of July: *Provided*, Nothing herein contained shall be construed to

exempt the real and personal property of the corporation from taxation." The amendment did not prevail.

Mr. Worth offered the following amendment to come in as an additional section: "That the first section of the act of the 12th of March, 1866, by striking out of the proviso to that section the words 'for the loan of money, but upon no other account.'" The amendment prevailed.

Mr. Todd offered an amendment in the nature of a substitute for the bill.

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put.

The question then recurring first on the amendment in the nature of a substitute, it prevailed.

The question then recurring on its passage, the bill failed to passed second time.

Mr. Humphrey moved to reconsider the vote just had.

Mr. Cunningham moved that that motion lie upon the table.

Mr. Flemming moved the previous question on the motion to reconsider, and the Senate refused to order the main question to be put.

The question then recurring on the motion to lay upon the table, the yeas and nays were ordered on demand of Mr. Cunningham, and the motion did not prevail. Yeas 7; nays 23.

*Affirmative*—Messrs. Cunningham, Hill, Humphrey, Long, Mabson, Murphy and Respess—7.

*Negative*—Messrs. Allen, Avera, Cowles, Cramer, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Hyman, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Norwood, Powell, Price, Scott, Walker, Welch and Worth—23.

The Senate then adjourned.

## EVENING SESSION.

7½ O'CLOCK P. M., February 21, 1873.

The following named private bill were acted on as follows :

Senate bill 374—House bill 246—A bill to be entitled an act to incorporate the "Farmers' Loan Bank." The bill was read second time.

Mr. Norwood moved to amend by striking out the words "by this or any preceding Legislature of this State" in section 1. The amendment prevailed.

Mr. Norwood moved to amend by striking out in section 5 all after the word "dignity."

Mr. Avera moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Norwood, the yeas and nays were ordered on demand of the Senator, and the amendment did not prevail. Yeas 14; nays 15.

*Affirmative*—Messrs. Cowles, Cunningham, Davis, Gudger, Humphrey, McCauley, McCotter, Morehead, Nicholson, Norwood, Todd, Walker, Welch and Worth.—14.

*Negative*—Messrs. Allen, Avera, Chamberlain, Ellis of Catawba, Ellis of Columbus, Hill, Horton, Long, Mabson, McCabe, Miller, Murphy, Powell, Respass and Scott.—15.

The question then recurring on the passage of the bill, Mr. Todd, by consent, offered the following amendment, which prevailed : "Add to section 6 : *Provided*, That nothing herein contained shall be construed to relieve any guardian, trustee or other person acting in a fiduciary capacity from being liable as now prescribed by law, and that no greater rate of interest shall be charged than is allowed by law." The bill then passed second time.

The bill was read third time.

Mr. Norwood moved to amend by striking out in section 5 all after the word "dignity." The amendment prevailed.

Mr. Mabson moved to amend by inserting after the word Wooten in section 1, "Alfred Lloyd, Delaware Nixon, Joseph Pickett, Bryant Gurgances, and Geo. Bordeaux." The yeas and nays were ordered on demand of Mr. Mabson, and the amendment did not prevail. Yeas 5; nays 20.

*Affirmative.*—Messrs. Hill, Mabson, McCabe, McCotter and Respass.—5.

*Negative*—Messrs. Allen, Cowles, Cunningham, Davis, Ellis of Columbus, Humphrey, Long, McCauley, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Scott, Todd, Walker, Welch and Worth.—20.

Mr. Norwood moved to amend by striking out the words "uncurrent paper" in section 6. The amendment did not prevail.

Mr. Murphy moved to amend by striking out the last clause of section 11. The amendment prevailed, and the bill passed third time.

Mr. Gudger, by consent, reported Senate bill 642—House bill 361—A bill to be entitled an act to incorporate the Goldsboro Banking and Loan Association, from the Committee on Corporations, with a recommendation that it do pass.

On motion, the rules were suspended, and the Senate proceeded at once to consider the bill.

Mr. Price moved that the bill be considered by sections. The motion prevailed, and the second section of the bill was read.

Mr. Humphrey moved to amend by striking out the name of "J. R. Beeman" and inserting the name of "R. C. D. Beeman," and by striking out the words "by this or any preceding Legislature of this State." The amendment prevailed.

The second, third and fourth sections were severally read.

The fifth section was read.

Mr. Humphrey moved to amend by striking out all after the word "dignity." The amendment prevailed.

The sixth section was read.

Mr. Humphrey moved to amend by adding to the section the following: "*Provided*, That nothing herein contained shall be construed to relieve any guardian, trustee or other person acting in a fiduciary capacity from being liable as now prescribed by law, and that no greater rate of interest shall be charged than is allowed by law." The amendment prevailed.

The seventh, eighth and ninth sections were severally read.

The tenth section was read.

Mr. Norwood moved to amend by inserting after the word stockholders the words "not inconsistent with the laws of the State," and by adding the following to the section: "*Provided*, No greater rate of interest shall be charged than is allowed by law." The amendment prevailed.

The eleventh and twelfth sections were severally read.

The question then recurring on its passage, the bill passed second time. The bill was then read and passed third time.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence, viz:

Senate bill 89—An act to revive an act to incorporate the Bank of Raleigh, ratified 1st day of March, 1870.

Senate bill 349—A bill to be entitled an act to change the line between the counties of Bladen and Columbus.

Senate bill 524—An act for the relief of Pamlico county.

Senate bill 428—An act to allow cumulative suffrage in elections for commissioners of the city of Raleigh.

Senate bill 673—A bill to be entitled an act touching the sale of spirituous liquors in certain localities.

Senate bill 440—An act concerning the establishment and laying out of public highways.

Engrossed amendments to House bill 371—Senate bill 596, known as the “Machinery Act.”

Senate resolution 366—Resolution in relation to refunding certain railway to tax the sheriff of Iredell County, W. F. Wasson.

Senate resolution 112—Resolution in favor of John H. Hill.

The Senate then adjourned.

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### SIXTY-SECOND DAY.

SENATE CHAMBER, February 22, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Love presented the following protest, which was read and ordered to be spread upon the Journal:

SENATE CHAMBER, Raleigh, February 22, 1872.

MR. PRESIDENT:

*Whereas*, There has been very great complaint, and great cause for complaint, among the people, about the inordinate delay in the production and distribution of the laws, documents and journals; and

*Whereas*, It is of the very first importance that these books should be printed, bound and distributed at the earliest possible day after the adjournment of the General Assembly; and

*Whereas*, The laws, 2,700 copies, are now being printed and stitched, and will all be in the hands of the binder in a few days after the adjournment of the Legislature, and will be delivered to the Secretary of State, under recent

legislation, within forty days after the close of the session, for immediate distribution ; and

*Whereas*, The documents, nearly 500 copies are, necessarily, nearly all printed and stitched during the session ; and

*Whereas*, There are only about 500 copies of the journals to be printed, which is the residue of all printing, to be bound ; and

*Whereas*, The binder can stitch and bind in "full sheep" 1,000 volumes in thirty days ; and

*Whereas*, There are less than 1,000 volumes of documents and journals combined ; therefore,

I respectfully enter this my PROTEST against the passage of a resolution of the Senate on yesterday, giving the public printer ninety days after our adjournment—extending the time fifty additional days within which to print, bind and deliver the documents and journals.

Respectfully submitted,

W. L. LOVE.

Reports from standing committees were submitted as follows :

From Committee on Education :

By Mr. Cunningham—Senate bill 799—A bill to be entitled an act to protect the property of the University of North Carolina, with a recommendation that it be referred to the Committee on Judiciary. The bill was so referred.

From Committee on Judiciary :

By Mr. Gudger—Senate bill 628—A bill to be entitled an act to provide for the service of civil process against infants, &c., with amendment.

From Committee on Corporations :

By Mr. Avera—Senate bill 677—A bill to be entitled an act to amend the charter of the city of Wilmington, with a recommendation that it do pass.

A message was received from the House of Representatives announcing that that body had concurred in para-

graphs 1, 2, 3, 4, 5, 6, 9, 11 13 and 14, and had refused to concur in paragraphs 7, 8 and 12, of Senate bill 421, House bill 167—A bill to be entitled an act to amend the school law, ratified the 12th day of February, 1872.

Mr. Ellis, of Columbus, moved that the Senate do recede from sundry amendments which the House of Representatives had refused to concur in.

The yeas and nays were ordered on demand of Mr. Cowles, and the Senate receded from the amendments. Yeas 15; nays 13.

*Affirmative*—Messrs. Avera, Chamberlain, Cunningham, Davis, Ellis of Columbus, Flemming, Hill, Miller, Morehead of Guilford, Norwood, Powell, Scott, Todd, Walker and Worth—15.

*Negative*—Messrs. Cowles, Ellis of Catawba, Gudger, Harris, Long, Love, Mabson, McCabe, McCauley, McCotter, Murphy, Nicholson and Respass—13.

The bill was then ordered to be forthwith enrolled for ratification.

Mr. Love offered the following resolution :

*Resolved*, That after 11:30 A. M. to-day that all bills shall be taken up in the order in which they properly stand on the Calendar, unless otherwise ordered by a unanimous vote of the Senate.

The yeas and nays having been ordered, the resolution was adopted. Yeas 24; nays 4.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Davis, Ellis of Columbus, Gudger, Harris, Holloman, Love, Mabson, McCabe, McCauley, McCotter, Miller, Nicholson, Norwood, Powell, Respass, Scott, Stafford, Todd, Walker, Welch and Worth—24.

*Negative*—Messrs. Chamberlain, Hill, Horton and Murphy—4.

Mr. Welch offered the following resolution :

*Resolved*, That from and after to-day no Senator shall be allowed to speak more than once nor longer than five minutes on any one question.

The resolution was adopted.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 446—A bill to be entitled an act to amend the charter of the town of Beaufort. Read and passed second and third times.

Senate bill 399—A bill to be entitled an act to authorize an additional term of the Superior Court for Granville county. Read and passed second and third times.

Senate resolution 437—Resolution in favor of Arthur Dennis. Read and passed second and third times.

Senate bill 388—A bill to be entitled an act to incorporate the old North State Life Insurance Company. Read second time.

The amendments offered by the committee prevailed.

Mr. Morehead, of Guilford, moved to amend by adding the following to section 15: *Provided*, "Nothing herein contained shall be construed to relieve any administrator or executor from the penalties contained in their bonds given according to law." The amendment prevailed, and the bill passed second and third times.

Senate bill 434—A bill to be entitled an act for the relief of the Commercial Bank of Wilmington. Read second time.

Mr. Cowles moved to amend by inserting the following as an additional section: "*Be it further enacted*, That the benefits of this act shall extend to the holders of all other bonds issued for the benefit of said Railroad corporations under appropriation for the benefit of said road, ratified before 20th May, 1861.

The question recurring thereon, the yeas and nays were ordered on demand of Mr. Cowles, and the amendment did not prevail. Yeas 12; nays 17.

*Affirmative*—Messrs. Avera, Cowles, Flemming, Horton, Long, McCauley, McCotter, Miller, Morehead of Rockingham, Nicholson, Norwood and Worth.—12.

*Negative*—Messrs. Allen, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Love, Mabson, McCabe, Morehead of Guilford, Murphy, Respass, Scott, Todd, Walker and Welch.—17.

The question then recurring on its passage, the bill did not pass second time. Yeas 7; nays 26.

*Affirmative*—Messrs. Hill, Mabson, McCabe, Morehead of Rockingham, Murphy, Norwood and Worth.—7.

*Negative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Long, Love, McCauley, McCotter, Miller, Nicholson, Powell, Price, Respass, Scott, Stafford, Todd, Walker and Welch.—26.

Leave was granted to withdraw the petition and papers accompanying from the files of the Senate.

Senate bill 453—A bill for the promotion of stock raising. Read and passed second and third times. Yeas 23; nays 9.

*Affirmative*—Messrs. Avera, Chamberlain, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Love, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell, Respass, Scott and Walker.—23.

*Negative*—Messrs. Allen, Gudger, Mabson, McCabe, Murray, Price, Todd, Welch and Worth.—9.

Mr. Love moved to reconsider the vote just taken.

Mr. Humphrey moved to lay that motion on the table. The latter motion prevailed.

Senate resolution 477—Resolution for the relief of W. W. Holden. The resolution was read second time.

Mr. Flemming moved to recommit to the Committee on Judiciary.

Mr. Worth moved that the resolution lie upon the table. The yeas and nays were ordered on demand of Mr. Mab.

son, and the motion to lay upon the table did not prevail. Yeas 15; nays 20.

*Affirmative*—Messrs. Allen, Avera, Davis, Ellis of Catawba, Ellis of Columbus, Love, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Price, Scott, Stafford, Welch and Worth—15.

*Negative*—Messrs. Chamberlain, Cowles, Cunningham, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Mabson, McCabe, McCotter, Miller, Norwood, Powell, Respass, Todd and Walker—20.

The question then recurring on the motion to recommit, the yeas and nays were ordered on demand of Mr. Cowles, and the motion did not prevail. Yeas 11; nays 26.

*Affirmative*—Messrs. Allen, Cowles, Davis, Ellis of Catawba, Flemming, Humphrey, Miller, Murphy, Scott, Stafford and Worth—11

*Negative*—Messrs. Avera, Chamberlain, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Love, Mabson, McCabe, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell, Price, Respass, Todd, Walker and Welch—26.

Mr. Avera moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on its passage, the resolution failed to pass second time. Yeas 14; nays 22.

*Affirmative*—Messrs. Chamberlain, Harris, Hill, Holloman, Horton, Hyman, Long, Mabson, McCabe, McCotter, Miller, Powell, Respass and Walker—14.

*Negative*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Love, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Scott, Stafford, Todd, Welch and Worth—22.

Mr. Respass moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Respass, and the motion prevailed. Yeas 18; nays 16.

*Affirmative*—Messrs. Chamberlain, Davis, Ellis of Catawba, Gudger, Harris, Hill, Holloman, Horton, Hyman, Long, Love, Mabson, McCabe, McCotter, Powell, Price, Respass and Walker—18.

*Negative*—Messrs. Cowles, Cunningham, Ellis, of Columbus, Flemming, McCauley, Miller, Morehead of Guilford, Morehead of Roehingham, Murphy, Nicholson, Norwood, Scott, Stafford, Todd, Welch and Worth—16.

The Senate then adjourned.

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## SIXTY-THIRD DAY.

SENATE CHAMBER, February 24, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Indefinite leave of absence was granted to Messrs. Grandy and Love on account of sickness in their families.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill 641, House bill 443—A bill to be entitled an act to protect cattle from distemper and other infectious diseases, with accompanying amendments.

Senate bill 524, House bill 357—A bill to be entitled an act to authorize the surveyor of Graham county to survey lands within Graham county under warrants from the entry takers of Cherokee county, and for other purposes, with accompanying amendments.

From the Committee on Judiciary:

By Mr. Flemming—Senate bill 132—A bill to be entitled

an act to regulate and control freights and tariffs, without recommendation.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives—House bill 437—A bill to be entitled an act to authorize the board of commissioners of Alamance county to levy a special tax, and for other purposes. To the Committee on Propositions and Grievances.

By Mr. Norwood—A bill to be entitled an act to organize the fire department of the city of Wilmington. To the Committee on Corporations.

By Mr. Cunningham—A bill to be entitled an act to incorporate the Central Fire Insurance Company of North Carolina. To the Committee on Insurance.

By Mr. Morehead, of Guilford—A bill to be entitled an act supplemental to and explanatory of all acts of incorporation passed by the present General Assembly. Placed on the Calendar.

By Mr. Seymour—A bill to be entitled an act in regard to fees of inspectors of turpentine. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Flemming—Resolution in favor of J. H. Enniss. Referred to the Committee on Claims.

On motion the twenty-third of the Senate rules of order was suspended for the remainder of this session.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill 201—A bill to be entitled an act to repeal an act to provide for the service of process issued from courts of justices of the peace in civil causes where one or more of the defendants may reside out of the county in which the action is brought. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Judiciary prevailed, and the bill passed second time. The bill was read third time.

Mr. Cowles moved to amend by striking out the word "ten" and inserting the word "fifteen" in line 11, section 2. The amendment prevailed, and the bill passed third time.

Senate bill 643—A bill to be entitled an act in favor of the heirs of Jesse McCoy, deceased. Read and passed second and third times.

Senate resolution 172, House resolution 59—Resolution asking the Governor to issue his proclamation, and for other purposes. Laid on the table.

Senate bill 166—A bill to be entitled an act to amend subchapter 178, laws of 1868-'69. Laid on the table.

Senate bill 198—A bill to be entitled an act to establish a chronic insane asylum at or near the town of Charlotte. Laid on the table.

Senate bill 192, House bill 40—A bill to be entitled an act to amend an act entitled "an act to provide for procedure in special proceedings generally," &c., and for other purposes. Read and passed second and third times.

Senate bill 250—A bill to be entitled an act to amend chapter 93 of the public laws of 1871-'72. Referred to the Joint Select Committee on State Debt and Liabilities.

Senate bill 21—A bill to be entitled an act to repeal an act entitled "an act to provide for a turnpike road from Salisbury west to the line of the State of Georgia, and all other acts amendatory of said act. Laid on the table.

Senate bill 191, House bill 4—A bill to be entitled an act relative to fees of county officers. Read and passed second and third times.

Senate bill 181—A bill to be entitled an act concerning the right of way to churches and places of public worship. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Roads, Ferries and Bridges prevailed, and

the bill passed second time. The bill was then read and passed third time.

Senate bill 190—A bill to be entitled an act in relation to attorneys at law. Laid on the table.

Senate bill 114—A bill to be entitled an act for the prevention of frauds. Laid on the table.

Senate bill 18—A bill to be entitled an act to amend chapter 199 of the laws of 1871-'72. Laid on the table.

Senate bill 64—A bill to be entitled an act defining the duties of Judges of Superior Courts in certain cases. Laid on the table.

Senate bill 113—A bill to be entitled an act in relation to homesteads and personal property exemptions. Laid on the table.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations and sale under the same. The bill was read second time.

Mr. Morehead, of Guilford, moved to amend by adding to section 1 the following: "*Provided*, That the debt due from any corporation prior to or at the time of execution of any mortgage or deed of trust by such corporation shall have a first lien upon the property, rights and franchises of said corporation, and shall be paid off or secured before such mortgage or deed of trust shall be registered."

Mr. Love moved that the bill lie upon the table.

The question recurring thereon, the motion to lay upon the table prevailed.

Senate bill 105, House bill 68—A bill to be entitled an act amend an act concerning the government of counties. Laid on the table.

Senate bill 115—A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances. Read and passed second and third times.

Senate bill 118—A bill to be entitled an act to repeal section 3, chapter 186, laws of 1871-'72. Laid on the table.

Senate bill 120, House bill 44—A bill to be entitled an

act to prevent dams or other obstructions across the French Broad river. Laid on the table.

Senate bill 121, House bill 80—A bill to be entitled an act to amend sub-division 15, chapter 20, section 8, laws of special session of 1868. Laid on the table.

Senate bill 133—A bill to be entitled an act increasing the powers of justices of the peace. Laid on the table.

Senate bill 135—A bill to be entitled an act for the protection of railroads in North Carolina. Laid on the table.

Senate bill 147, House bill 45—A bill to be entitled an act to repeal section 1 of an act for the better protection of oysters and terrapins in the waters of North Carolina. Read and passed second and third times.

Senate bill 148, House bill 89—A bill to be entitled an act to authorize the imprisonment of persons convicted in the United States Courts in North Carolina in the penitentiary of this State. Read and passed second and third times.

Senate bill 155—A bill to be entitled an act to amend section 269, chapter 2, title 11, of the Code of Civil Procedure. Laid on the table.

Senate bill 159—A bill to be entitled an act in relation to bastardy. Laid on the table.

Senate bill 161—A bill to be entitled an act to appoint a commission to investigate frauds in the election held August 1, 1872. Laid on the table.

Senate bill 165—A bill to be entitled an act to amend chapter 12, Revised Code, entitled "bastard children." The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Judiciary prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 167—A bill to be entitled an act to repeal chapter 138 of the laws of 1871-'72. Laid on the table.

Senate bill 105, House bill 68—A bill to be entitled an act

concerning the government of counties. Taken from the table and restored to its place on the Calendar.

Senate bill 411—A bill to be entitled an act to repeal sections 6, 7, 8 and 9, and to amend sections 10 and 11 of chapter 2, Revised Code, entitled "agriculture and geology." The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Agriculture prevailed, and the bill then passed second time. The bill was then read and passed third time and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 355—A bill to be entitled an act to authorize and empower the commissioners of the town of Washington to convey lands to the trustees of the colored Methodist Episcopal Church, in the town of Washington. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 99, House bill 60—A bill to be entitled an act to amend chapter 75, laws of 1870-'71, entitled "an act making South Yadkin river, in the counties of Rowan and Davie, a lawful fence." The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 501, House bill 206—A bill to be entitled an act to make indictable the felling of trees into either fork of Horse creek, in Ashe county. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 359—A bill to be entitled an act to regulate the time for the election of justices of the peace. The bill was read second time.

The amendments offered by the Committee on Privileges and Elections prevailed, and the bill passed second time. The bill was read third time.

Mr. Tróy moved an amendment. The amendment prevailed.

On motion, the bill was referred to the Committee on Judiciary.

Senate bill 544—A bill to be entitled an act amendatory of an act entitled “an act providing for a board of public charities.” The bill was read second time.

Mr. Harris moved that the bill be printed and made special order for to-morrow.

Mr. Morehead, of Guilford, moved the previous question.

The yeas and nays were ordered on demand of Mr. Seymour, and the Senate ordered the main question to be put. Yeas 28; nays 11.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Welch and Worth—28.

*Negative*—Messrs. Eppes, Harris, Hill, Hyman, King, Long, Mabson, Respass, Seymour and Walker—11.

The question then recurring on the amendments offered by the Judiciary Committee, they prevailed.

The question then recurring on its passage, the bill passed second time. Yeas 27 ; nays 13.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Aorton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Welch and Worth—27.

*Negative*—Messrs. Cramer, Eppes, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Respass, Seymour and Walker—13.

On motion, the further consideration of the bill was made special order for 11 A. M. of to-morrow, and the bill was ordered to be printed.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill — A bill to be entitled an act to declare what portion of the public debt of North Carolina is valid, and to pay off the same, &c. The bill was read second time.

Mr. Cunningham moved that the bill be recommitted to to the Joint Select Committee on State Debt and Liabilities.

The yeas and nays were ordered on demand of Mr. Love, and the motion prevailed. Yeas 23 ; nays 13.

*Affirmative*—Messrs. Allen, Cramer, Cunningham, Davis, Flemming, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCauley, Morehead of Guilford, Morehead of Rockingham, Norwood, Respass, Seymour, Todd, Troy and Worth—23.

*Negative*—Messrs. Avera, Chamberlain, Cowles, Ellis of Catawba, Ellis of Columbus, Gudger, Merrimon, Miller, Murphy, Powell, Price, Scott, Stafford and Welch—13.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to alter the Constitution of North Carolina in relation to the public debt.

An act to alter the Constitution of North Carolina in relation to the office of Superintendent of Public Works.

An act to alter the Constitution of North Carolina in relation to the State census.

An act to alter the Constitution of North Carolina in relation to exemptions.

An act to alter the Constitution in relation to the University.

An act to alter the Constitution in relation to sessions of the General Assembly.

An act to alter the Constitution in relation to Code Commissioners.

An act to alter the Constitution of North Carolina in relation to the Federal and other officers holding office.

An act to incorporate the City Hall of Charlotte, North Carolina.

An act to incorporate the Old North State Lumber, Mining and Manufacturing Company.

Resolution in regard to adjournment.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to Senate bill 374, House bill 240—A bill to be entitled an act to incorporate the Farmers' Loan Bank.

Amendments to Senate bill 642, House bill 361—A bill to be entitled an act to incorporate the Goldsboro Banking and Loan Association.

Senate bill 453—A bill to be entitled an act for the promotion of stock raising.

Senate bill 411—A bill to be entitled an act to repeal sections 6, 7, 8 and 9, and to amend sections 10 and 11, of chapter 2 Revised Code, entitled "agriculture and geology."

The Senate then adjourned.

## EVENING SESSION.

7½ O'CLOCK P. M., February 24, 1873.

The following named bills were read and passed second second and third times:

Senate bill 593, House bill 415—A bill to be entitled an act to cure any irregularity that may exist in the titles to certain lands in Macon and Clay counties.

Senate bill 589—A bill to be entitled an act to incorporate Cold Spring Church and Bethel Church, in the county of Cabarrus.

Senate bill 578, House bill 377—A bill to be entitled an act to amend an act to incorporate the Peoples' Building and Loan Association of Asheville.

Senate bill 579, House bill 410—A bill to be entitled an act to incorporate the Raleigh Bucket Company, No. 1.

Senate bill 577, House bill 417—A bill to be entitled an act to extend the limits of the town of Wadesboro, Anson county.

Senate bill 572, House bill 381—A bill to entitled an act to incorporate White Hill Lodge, No. 321, Free and Accepted Masons, in Moore county.

Senate bill 571, House bill 332—A bill to be entitled an act to incorporate the town of Pineville, in Mecklenburg county.

Senate bill 570, House bill 352—A bill to be entitled an act to incorporate Danbury Lodge, No. 323, of Free and Accepted Masons, at Danbury, Stokes county, North Carolina.

Senate bill 569, House bill 333—A bill to be entitled an act to incorporate the Stowe Falls Manufacturing Company.

Senate bill 536, House bill 275—A bill to be entitled an act to incorporate the North Carolina Mica Mining Company.

Senate bill 533, House bill 369—A bill to be entitled an

act to re-enact an act to incorporate French Broad Turnpike Company.

Senate bill 521, House bill 271—A bill to be entitled an act to incorporate Cleveland Lodge, No. 202, of Free and Accepted Masons.

Senate bill 517, House bill 239—A bill to be entitled an act to incorporate Eureka Lodge, No. 283, Ancient York Masons.

Senate bill 514, House bill 356—A bill to be entitled an act concerning Stanley Creek Camp Ground, Gaston county, and incorporate a board of trustees therefor.

Senate bill 505, House bill 251—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell certain stocks held by said county, and for other purposes.

Senate bill 504, House bill 272—A bill to entitled an act to incorporate Monatau Lodge, No. 318, Free and Accepted Masons.

Senate bill 502, House 238—A bill to be entitled an act to incorporate the town of Huntersville, in Mecklenburg county.

Senate bill 490, House bill 260—A bill to be entitled an act to incorporate the town of Boone, in Watauga county, North Carolina.

Senate bill 487, House bill 119—A bill to be entitled an act to incorporate "The Belle Cove Oyster Company."

Senate bill 632—A bill to be entitled an act to incorporate the town of Coleraine, in Bertie county.

Senate bill 650, House bill 397—A bill to be entitled an act to regulate the customary penning of sheep in Kinnekeet and Hatteras townships, in the county of Dare.

Senate resolution 658, House resolution 191—Resolution to authorize the Auditor to issue a duplicate warrant for \$280 to Elijah Merrill, sheriff of Onslow county.

Senate resolution 665—Resolution in favor of Samuel Cabe.

Senate bill 670—A bill to be entitled an act to establish a public ferry across the Yadkin river.

Senate bill 681, House bill 485—A bill to be entitled an act to incorporate the town of Asheboro, in the county of Randolph.

Senate bill 499, House bill 295—A bill to be entitled an act to incorporate El Bethel Methodist Episcopal Church, South, in the county of Cleaveland.

On motion, the rules were suspended, and the bill was ordered to be forthwith enrolled.

Senate bill 590, House bill 325—A bill to be entitled an act to incorporate the trustees of Oxford Colored Educational Association.

On motion, the rules were suspended, and the bill was ordered to be forthwith enrolled.

The following named bills were read and laid upon the table :

Senate bill 513, House bill 245—A bill to be entitled an act to change the name of Franklinsville township, in the county of Randolph.

Senate bill 564—A bill to be entitled an act to incorporate the town of Lockville, in the county of Chatham.

Senate resolution 553—Resolution in favor of M. A. Bledsoe.

Senate bill 630—A bill to be entitled an act to authorize the commissioners of the town of Bath, in Beaufort county, to sell the commons belonging to the said town.

Mr. Davis, by consent, introduced a bill to authorize the commissioners of Franklin county to levy a special tax, which was read and passed first time and placed on the Calendar.

Mr. Cowles, by consent, introduced a resolution to allow the Engrossing Clerk of the Senate to employ clerical aid, which was read and adopted.

The following named bills were acted on as follows :

Senate bill 142, House bill 92—A bill to be entitled an act to amend chapter 27, private laws of 1870-'71, entitled "an act in relation to the sale of spirituous liquors in the town of Asheville." The bill was read second time.

The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 483, House bill 200—A bill to be entitled an act to incorporate the Wilmington Trust Company and Savings Bank. The bill was read second time.

The amendment offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was read third time.

Mr. Todd moved to amend by striking out the 9th section. The amendment prevailed.

Mr. Todd moved to amend by adding to section 6 the following: "*Provided*, That nothing herein contained shall be construed to relieve executors, administrators or guardians, or any person acting in a fiduciary capacity from the liabilities imposed upon them by law." The amendment prevailed, and the bill passed third time, and the amendments were ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill 498, House bill 298—A bill to be entitled an act to incorporate the town of Stantonburgh, in Wilson. The bill was read second time.

The amendment offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 492, House bill 261—A bill to be entitled an act to amend the charter of the city of Raleigh. The bill was read second time.

The amendments offered by the Committee on Corporations prevailed, and the bill passed second time.

Senate bill 518, House bill 150—A bill to be entitled an

act to incorporate the town of Apex. The bill was read second time.

The amendment offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate resolution 463, House resolution 155—Resolution in behalf of Jonas Cline, sheriff of Catawba county. The resolution was read second time.

The amendment offered by the Committee on Claims prevailed, and the resolution passed second time. The resolution was then read and passed third time.

Senate bill 480—A bill to be entitled an act to amend the charter of the town of Monroe, in the county of Union. The bill was read second time.

The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 289, House bill 11—A bill to be entitled an act to incorporate the town of Richmond, in the county of Rockingham. The bill was read third time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed third time.

Senate bill 540, House bill 286—A bill to be entitled an act to empower the commissioners of the town of Lenoir, in Caldwell county, to sell certain lands. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

On motion, the title of the bill was changed so as to read, "A bill to be entitled an act in relation to town lots and town property."

Senate bill 600—A bill to be entitled an act to charter the city of Madison. The bill was read second time.

Mr. Merrimon moved to amend by striking out the word "city" and inserting the word "town." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 625—A bill to be entitled an act to incorporate Shallotte Baptist Church, in Brunswick county. The bill was read second time.

The amendments offered by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations and sales under the same. Taken from the table and placed upon the Calendar.

Senate bill 580—A bill to be entitled an act to amend chapter 27 of the private laws of 1871-'72, and to re-enact chapter 123, private laws of 1869-'70, sections 8 and 11. The bill was read third time.

Mr. Chamberlain moved to amend by inserting the following as section 2: "That sections 8 and 11 of chapter 123, private laws of 1869-'70, be and the same are hereby re-enacted." The amendment prevailed, and the bill passed third time.

Senate bill 616—A bill to be entitled an act to authorize and empower the commissioners of Yadkin county to levy a special tax. Read and passed second time. Yeas 29; nays 3.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Hill, Holloman, Horton, Humphrey, King, McCauley, Morehead of Guilford, Murphy, Murray, Nicholson, Respass, Scott, Seymour, Stafford, Todd, Troy, Walker, Welch and Worth—29.

*Negative*—Messrs. Gudger, Love and Merrimon—3.

Senate bill 617, House bill 404—A bill to be entitled an act to allow the commissioners of Washington county to levy

a special tax, and for other purposes. The bill was read second time.

The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. Yeas 26; nays 3.

*Affirmative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Hill, Holloman, Horton, Humphrey, McCauley, Miller, Murphy, Murray, Nicholson, Respass, Scott, Seymour, Stafford, Todd, Troy, Walker and Worth—26.

*Negative*—Messrs. Gudger, Love and Merrimon—3.

Senate bill 626—A bill to be entitled an act to authorize the commissioners of Chowan county to issue coupon bonds in order to liquidate the liabilities of said county. Read second time and rejected. Yeas 10; nays 16.

*Affirmative*—Messrs. Ellis of Columbus, Harris, Hill, Holloman, Murphy, Scott, Seymour, Troy, Welch and Worth—10.

*Negative*—Messrs. Allen, Avera, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Gudger, Horton, Love, Miller, Morehead of Guilford, Nicholson, Powell, Respass and Walker—16.

Senate bill 652, House bill 380—A bill to be entitled an act to authorize the commissioners of the town of Murfreesboro to levy taxes. Read and passed second time. Yeas 20; nays 7.

*Affirmative*—Messrs. Avera, Chamberlain, Cowles, Cunningham, Ellis of Catawba, Harris, Hill, Holloman, Horton, Long, Miller, Murphy, Murray, Nicholson, Powell, Respass, Scott, Seymour, Walker and Worth—20.

*Negative*—Messrs. Davis, Gudger, Love, McCauley, Todd, Troy and Welch—7.

Senate bill 682—A bill to be entitled an act to amend the charter of the city of Wilmington. Read and passed second time.

Mr. Todd moved that the bill be recommitted to the Committee on Corporations.

The yeas and nays were ordered on demand of Mr. Todd, and no quorum voted. Yeas 15; nays 7.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Ellis of Columbus, Horton, McCauley, Murphy, Murray, Nicholson, Scott, Todd, Troy and Worth—15.

*Negative*—Messrs. Chamberlain, Harris, Hill, Mabson, Respass, Seymour and Walker—7.

The Senate then adjourned.

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## SIXTY-FOURTH DAY.

SENATE CHAMBER, February 25, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Dumham asked and obtained leave to have his name recorded in the negative, and Mr. Seymour asked and obtained leave to have his name recorded in the affirmative on the vote by which Senate resolution 477—Resolution for the relief of W. W. Holden failed to pass its second reading.

Mr. Love moved that the journal of the 15th instant be amended so as to show that the amendments offered by the Committee on Propositions and Grievances to Senate bill 595, House bill 113—A bill to be entitled an act to authorize the commissioners of Transylvania to levy a special tax were adopted by the Senate on that day. The motion prevailed.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Avera—Senate bill 689, House bill 469—A bill to be entitled an act to authorize the board of commissioners of Brunswick county to levy a special tax, and for other purposes, with a recommendation that it do pass.

Senate bill 649, House bill 458—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell the present jail, and for other purposes, with a recommendation that it do pass.

Senate bill 707, House bill 441—A bill to be entitled an act to authorize the commissioners of Wayne county to levy a special tax, with a recommendation that it do pass.

Senate bill 705, House bill 362—A bill to be entitled an act in regard to collecting special taxes, with a recommendation that it do pass.

Senate bill 680, House bill 436—A bill to be entitled an act to authorize the commissioners of Forsythe county to appoint a special tax collector, with a recommendation that it do pass.

By Mr. Love—Senate bill 690, House bill 509—A bill to be entitled an act to cure certain defects in regard to entries of land in Swain county, with a recommendation that it do pass.

The following named bills were returned from the Committee on Propositions and Grievances by Mr. Love, with a report that they were included in general bills passed by the Senate.

On motion, the several bills were laid on the table.

Senate bill 497, House bill 320—A bill to be entitled an act to declare Chinquapin and Weicochon Creek a lawful fence.

Senate bill 655, House bill 331—A bill to be entitled an act to make Flat river a lawful fence in Jones county.

Senate bill 618, House bill 372—A bill to be entitled an act to prevent the felling of trees in the French Broad river.

Senate bill 654, House bill 326—A bill to be entitled an act to protect the navigation of White Oak and Trent rivers in Jones county.

Senate bill 698, House bill 439—A bill to be entitled an

act to prohibit the sale of spirituous liquors within three miles of Shiloh Church, in Johnston county.

From the Committee on Claims:

By Mr. Flemming—Senate resolution 666—Resolution in favor of A. J. Partin, with a recommendation that it do not pass.

From the Committee on Corporations:

By Mr. Welch—Senate bill 690, House bill 443—A bill to be entitled an act to incorporate the Weldon and Garysburg Road and Ferry Company, with a recommendation that it do pass.

Senate bill 708, House bill 433—A bill to be entitled an act to incorporate the town of Averasboro, in the county of Harnett, with a recommendation that it do pass.

Senate bill 714—A bill to be entitled an act to organize the fire department of the city of Wilmington, with a recommendation that it do pass.

Senate bill 697, House bill 504—A bill to be entitled an act to incorporate the Cranberry Iron and Coal Company, with a report that the bill was not accompanied by the necessary tax receipt.

From the Committee on Insurance:

By Mr. Murphy—Senate bill 717—A bill to be entitled an act to incorporate the "Central Fire Insurance Company of North Carolina," with a recommendation that it do pass.

From the Committee on Education:

Senate bill 699, House bill 539—A bill to be entitled an act to provide for the distribution of a portion of the school fund in Cedar Creek township, of Cumberland county, with a recommendation that it do pass.

From the Committee on the Deaf and Dumb:

By Mr. Murphy—Senate bill 633—A bill to be entitled an act for the benefit of the North Carolina Institution for the Deaf and Dumb and the Blind, with a recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Seymour—Senate bill 693, House bill 133—A bill to be entitled an act providing for the enforcement of decrees in suits in equity rendered prior to a certain act of 1866, with a recommendation that it do pass.

Senate bill 648, House bill 470—A bill to be entitled an act to change the time of holding Superior Courts of Northampton county, with a recommendation that it do pass.

Senate bill 387—A bill to be entitled an act to repeal chapter 137, laws of 1869-'70, with a recommendation that it do pass.

By Mr. Flemming—Senate bill 706, House bill 335—A bill to be entitled an act to change the time for holding the Superior Courts of Cumberland county, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Troy—A bill to be entitled an act to incorporate the Cumberland Savings Bank. To the Committee on Corporations.

By Mr. Flemming—A bill to be entitled an act to secure the rights of the State and stockholders of the Western North Carolina Railroad Company, and to insure the speedy completion of the road. To the Committee on Internal Improvements.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution 597, House resolution 190—Resolution in favor of the Engrossing and Enrolling Clerks of the House. Read and passed second and third times.

Senate bill 285—A bill to be entitled an act providing for the biennial election of officers of the General Assembly, and prescribing their duties. Referred to the Committee on Propositions and Grievances.

Senate bill 382—A bill to be entitled an act to change the

time for holding the terms of the Superior Court in the several counties composing the Tenth District. Recommended to the Committee on Judiciary.

Senate bill 295, House bill 135—A bill to be entitled an act amendatory of an act entitled "an act to lay off the homestead and personal property exemptions," ratified the 7th day of April, 1869. The bill was read second time.

Mr. Merrimon moved that the further consideration of the bill be indefinitely postponed.

The yeas and nays were ordered on demand of Mr. Price, and the motion to postpone indefinitely did not prevail. Yeas 16; nays 25.

*Affirmative*—Messrs. Allen, Barnhardt, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, King, McCauley, Merrimon, Miller, Murphy, Murray, Seymour, Stafford, Todd and Worth—16.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Davis, Eppes, Flemming, Harris, Hill, Horton, Hyman, Long, Love, Mabson, McCotter, Morehead of Guilford, Nicholson, Norwood, Powell, Price, Respass, Scott, Walker, Waring and Welch—25.

Mr. Dunham moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Price, and the motion did not prevail. Yeas 16; nays 23.

*Affirmative*—Messrs. Avera, Barnhardt, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, King, Long, Love, McCauley, McCotter, Seymour, Todd, Walker and Worth—16.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Davis, Eppes, Flemming, Hill, Holloman, Hyman, Mabson, Merrimon, Miller, Murray, Nicholson, Norwood, Powell, Price, Respass, Stafford, Troy, Waring and Welch—23.

Mr. Cowles moved to amend by adding the following to section 1: "*Provided*, That this act shall not apply to home-

steads in real property which may increase in value to \$15.00 more."

Mr. Morehead, of Guilford, moved the previous question, and the Senate order the main question to be put.

The question then recurring first on the amendment offered by Mr. Cowles, it did not prevail.

The question then recurring on its passage, the bill passed second time. Yeas 22; nays 21.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunnigham, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Murphy, Nicholson, Norwood, Powell, Price, Respass, Troy, Walker and Waring—22.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, King, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Scott, Seymour, Stafford, Todd and Worth—21.

The bill was then read and passed third time. Yeas 23; nays 18.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Eppes, Flemming, Harris, Hill, Holloman, Humphrey, Hyman, Long, Love, Mabson, McCotter, Miller, Murphy, Nicholson, Norwood, Powell, Price, Respass, Walker and Waring—23.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, King, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Seymour, Stafford, Todd, Troy and Worth—18.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turnpike road from Marion, in the county of McDowell to Asheville, in the county of Buncombe. The bill was read third time.

Mr. Merrimon moved to amend by restoring section 8, which had been stricken from the bill on its second reading.

Mr. Dunham moved to amend by adding to section 1 the following: "*Provided*, That only such warrants shall be paid, during the present fiscal year, as are now held by the person or persons by whom such work was done, said fact to ascertained by the Treasurer by affidavit of the person presenting such warrant.

Mr. Merrimon moved to amend the amendment by adding thereto the following: "Except sheriffs who have received said warrants in payment of taxes due the State."

Mr. Seymour moved the previous question, and the Senate ordered the main question to be put.

The question then recurring first on the motion to restore section 8.

The yeas and nays were ordered on demand of Mr. Cowles, and the motion prevail. Yeas 21; nays 17.

*Affirmative*—Messrs. Avera, Cramer, Dunham, Ellis of Catawba, Flemming, Gudger, Harris, Hill, Horton, Hyman, Mabson, Merrimon, Miller, Murphy, Scott, Seymour, Stafford, Todd, Troy, Walker and Welch—21.

*Negative*—Messrs. Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Ellis of Columbus, King, Long, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Norwood, Powell, Waring and Worth—17.

The question then recurring on the amendment offered by Mr. Merrimon, to the amendment offered by Mr. Dunham, it prevailed.

The question then recurring on the amendment offered by Mr. Dunham, it prevailed.

The question then recurring on its passage, the bill failed to pass third time. Yeas 15; nays 23.

*Affirmative*—Messrs. Cowles, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Horton, Hyman, Mabson, Merrimon, Price, Seymour, Todd and Troy—15.

*Negative*—Messrs. Avera, Barnhardt, Chamberlain, Cunningham, Davis, Dunham, Ellis of Columbus, Holloman, King, Long, Love, McCauley, McCotter, Morehead of Guil-

ford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Walker and Waring—23.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence :

Senate bill 355—A bill to be entitled an act in relation to town lots.

Senate bill 399—A bill to be entitled an act to authorize two additional terms of the Superior Court of Granville county.

Senate bill 548—A bill to be entitled an act to incorporate the Roanoke Iron Company.

Senate bill 165—A bill to be entitled an act to amend chapter 12, Revised Code, entitled "bastard children."

Senate bill 388—A bill to be entitled an act to incorporate the Old North State Life Insurance Company.

Senate bill 446—A bill to be entitled an act to amend the charter of the town of Beaufort.

Amendments to Senate bill 494, House bill 208—A bill to be entitled an act making Reedy Fork, in the county of Guilford, a lawful fence.

Amendments to Senate bill 501, House bill 206—A bill to be entitled an act to make indictable the felling of trees in either fork of Horse creek, in Ashe county.

Amendments to Senate bill 595, House bill 113—A bill to be entitled an act to authorize the commissioners of Transylvania county to levy a special tax.

The Senate then adjourned.

## EVENING SESSION.

7½ O'CLOCK P. M., February 25, 1873.

The Senate resumed the consideration of the unfinished business on the private calendar, to-wit: Senate bill 677—A bill to be entitled an act to amend the charter of the city of Wilmington.

The question recurring on the motion to recommit to the Committee on Corporations.

The yeas and nays were ordered on demand of Mr. Mabson, and the motion prevailed. Yeas 22; nays 10.

*Affirmative*—Messrs. Allen, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, Love, McCauley, Miller, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth—22.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Hill, Mabson, McCotter, Merrimon, Respess, Smith and Walker—10.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives—House bill 174—A bill to be entitled an act declaratory of an act to provide for the service of process issuing from courts of justices of the peace in civil causes where one or more of the defendants may reside out of the county in which the action is brought. To the Committee on Judiciary.

House bill 481—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Webster. To the Committee on Propositions and Grievances.

House bill 249—A bill to be entitled an act to provide for amendments in justices' courts. To the Committee on judiciary.

House bill 436—A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax. To the Committee on Propositions and Grievances.

House bill 134—A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistakes, of jurisdiction, and other causes. To the Committee on Judiciary.

House bill 491—A bill to be entitled an act to make the entry takers of certain counties *ex-officio* county agents. To the Committee on Propositions and Grievances.

House bill 522—A bill to be entitled an act to incorporate the Flat Rock Camp Ground, in the county of Guilford. To the Committee on Corporations.

House bill 500—A bill to be entitled an act to allow certain counties to elect a finance committee. To the Committee on Judiciary.

House bill 207—A bill to be entitled an act to amend section 34, chapter 113, acts of 1868-'69. To the Committee on Judiciary.

House bill 243—A bill to be entitled an act to amend chapter 139 of the laws of 1870-'71. To the Committee on Judiciary.

House bill 226—A bill to be entitled an act concerning corporations. To the Committee on Corporations.

House bill 537—A bill to be entitled an act to prevent the sale of spirituous liquors within five miles of colored school house No. 1, in Federal township, New Hanover county. To the Committee on Propositions and Grievances.

House bill 542—A bill to be entitled an act to amend sections 31 and 38 so that they shall conform to section 28 of the school law, ratified the —— day of ——, 1873.

House bill 358—A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of any place of public worship within the townships of Kinnekeet and Hatteras, in the county of Dare. To the Committee on Propositions and Grievances.

House bill 505—A bill to be entitled an act to incorporate the town of Fair Bluff, in the county of Columbus. To the Committee on Corporations.

House bill 488—A bill to be entitled an act to amend

chapter 241 of the laws of 1870-'71. To the Committee on Judiciary.

House bill 254—A bill to be entitled an act to amend sections 496 and 497 of the Code of Civil Procedure. To the Committee on Judiciary.

House bill 536—A bill to be entitled an act to authorize the commissioners of Wilkes county to issue bonds. Placed on the Calendar.

House bill 535—A bill to be entitled an act to establish the weight of a bushel of potatoes and turnips. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House Resolution 231—Resolution in regard to the centennial celebration to be held in Philadelphia. Concurred in, and ordered to be forthwith enrolled for ratification.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 339, House bill 527—A bill to be entitled an act to incorporate the Merchants' Bank of Fayetteville, with certain amendments.

On motion, the Senate concurred in the House amendments.

The following named bills were read and laid on the table:

Senate bill 704, House bill 497—A bill to be entitled an act to prevent the felling of timber in the run of Crabtree creek and Neuse river, in the county of Wake.

Senate 402—A bill to be entitled an act to amend "an act to amend chapter 186 of the private acts of 1861, 'being an act to incorporate the Wilmington and Wrightsville Turnpike Company.'"

The following named bills were read and passed second and third times:

Senate bill 397, House bill 504—A bill to be entitled an act to incorporate the Cranberry Iron and Coal Company.

Senate bill 685, House bill 486—A bill to be entitled an act to incorporate Lane Field High School, in Duplin county.

Senate bill 692, House bill 493—A bill to be entitled an act to incorporate the town of Duplin Roads, in Duplin county.

Senate bill 448—A bill to be entitled an act to amend an act to establish a turnpike road from the town of Statesville, in Iredell county, to the town of Mount Airy, in Surry county.

Senate bill 667—A bill to be entitled an act to incorporate the North Carolina Classis of the Reformed Church in the United States.

The following named bills were acted on as follows:

Senate bill 714—A bill to be entitled an act to organize the Fire Department of the city of Wilmington. Recommended to the Committee on Corporations.

Senate bill 718—A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax. Read and passed second time. Yeas 30; nays 2.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Holloman, Horton, Humphrey, King, Mabson, McCauley, McCotter, Murray, Nicholson, Norwood, Respass, Scott, Todd, Troy, Walker, Waring, Welch and Worth—30.

*Negative*—Messrs. Love and Seymour—2.

Senate bill 649, House bill 458—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell the present jail, and for other purposes. Read and passed second time. Yeas 35; nays 0.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, King, Long, Mab-

son, McCauley, McCotter, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Respass, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—35.

*Negative*—0.

The Senate then adjourned.

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## SIXTY-FIFTH DAY.

SENATE CHAMBER, February 26, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Gudger—Senate bill 615, House bill 428—A bill to be entitled an act to secure a proper accountability by the officers of the State, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill 651, House bill 393—A bill to be entitlen an act making it the duty of Judges of the Superior Courts to approve or disapprove of the clerk's judgments in special proceedings within twenty days, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill 700, House bill 31—A bill to be entitled an act giving power to the Supreme Court to grant writs of *certiorari* in certain cases, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

By Mr. Dunham—Senate bill 219—A bill to be entitled

an act to prevent the sale of poisons, with a recommendation that it do not pass.

By Mr. Price—Senate bill 709—A bill to be entitled an act to protect the property of the University of North Carolina, with a recommendation that it do not pass.

From the Committee on Claims:

By Mr. Flemming—Senate resolution 713—Resolution in favor of J. H. Enniss, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham—Senate bill 691, House bill 471—A bill to be entitled an act to incorporate the Wilmington Ship Canal Company, with accompanying amendments.

Senate bill 678—A bill to be entitled an act to dig or dredge out the shoals and remove the obstructions of Pasquotank river, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill 631—A bill to be entitled an act to amend an act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell, with a recommendation that it do pass.

From the Committee on Corporations:

By Mr. Price—Senate bill —A bill to be entitled an act to incorporate the Cumberland Savings Bank, with a recommendation that it do pass.

Senate bill 5, House bill 505—A bill to be entitled an act to incorporate the town of Fair Bluff, in the county of Columbus, with a recommendation that it do pass.

By Mr. Welch—Senate bill 677—A bill to be entitled an act to amend the charter of the city of Wilmington, without recommendation.

Senate bill 714—A bill to be entitled an act to organize the fire department of the city of Wilmington, without recommendation.

From Committee on Propositions and Grievances :

By Mr. Love—Senate bill 715, House bill 437—A bill to be entitled an act to authorize the board of commissioners of Alamance county to levy a special tax, and for other purposes, with a recommendation that it do not pass.

Senate bill —, House bill 436—A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax, with a recommendation that it do pass.

Senate bill 701, House bill 480—A bill to be entitled an act to authorize the employment of a police force in the town of Statesville, with accompanying amendments.

Senate bill 698, House bill 495—A bill to be entitled an act to prevent the retailing of spirituous liquors in the town of Statesville, with a recommendation that it do pass.

Senate bill —, House bill 537—A bill to be entitled an act to prevent the sale of spirituous liquors within five miles of colored school house, No. 1, in Federal Point township, New Hanover county, with accompanying amendment.

Senate bill 285—A bill to be entitled an act providing for the biennial election of officers of the General Assembly, and prescribing their duties, with a recommendation as to the first eleven sections of the bill that it do pass, and without recommendation as to the remainder of the bill.

Senate bill 716—A bill to be entitled an act in regard to fees of inspectors of turpentine, with a recommendation that it do not pass. On motion the bill was laid on the table.

Senate bill 702, House bill 160—A bill to be entitled an act for the general relief of sheriffs and tax collectors, with a recommendation that the bill lie on the table. On motion the bill was laid upon the table.

House bill 335—A bill to be entitled an act to establish the weight of a bushel of potatoes and turnips, with a recommendation that it lie upon the table. On motion the bill was laid on the table.

House bill 481—A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Webster, with a

recommendation that it lie on the table. On motion the bill was laid on the table.

House bill 358—A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of any place of public worship within the townships of Kinnekeet and Hatteras, in the county of Dare, with a recommendation that it do not pass. On motion the bill was laid on the table.

House bill 491—A bill to be entitled an act to make the entry-takers of certain counties *ex-officio* county agents, with a recommendation that it do not pass. On motion the bill was laid on the table:

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 420, House bill 402—A bill to be entitled an act to abolish the Scotch Fair near Laurel Hill, in Richmond county, with certain amendments.

On motion, the Senate concurred in the House amendments, and the bill was ordered to be enrolled.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Dunham—A bill to be entitled an act to cure defects in sales of land by executors, administrators, commissioners of counties, and in cases of partition among tenants in common. To the Committee on Judiciary.

By Mr. Seymour—A bill to be entitled an act in regard to weighing cotton in Craven county. To the Committee on Propositions and Grievances.

By Mr. McCauley—A bill to be entitled an act to repeal an act concerning the change of stocks of the State for bonds with which the stocks were obtained. Placed on the Calendar.

By Mr. Cunningham—A bill to be entitled an act to empower the commissioners of the town of Milton to issue bonds. To the Committee on Finance.

By message from the House of Representatives—House

bill 531—A bill to be entitled an act to incorporate the town of Castalia, in Nash county. To the Committee on Corporations.

House bill 518—A bill to be entitled an act to provide adequate clerical force in the office of Secretary of State and Auditor. To the Committee on Propositions and Grievances.

House bill 569—A bill to be entitled an act in regard to the terms of Superior Courts for Craven county. Placed on the Calendar.

By Mr. Morehead, of Guilford—A bill to be entitled an act to submit the proposed amendments of the Constitution to the people of the State for ratification or rejection. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of as follows:

By message from the House of Representatives—House resolution 221—Resolution to provide for a casual deficit in the treasury.

Bills and resolutions were acted on under a suspension of the rules as follows:

Senate bill —, House bill 569—A bill to be entitled an act in regard to the terms of the Superior Courts for Craven county. Read and passed second and third times.

Senate bill 316, House bill 211—A bill to be entitled an act to incorporate the Mechanics' and Laborers' Mutual Aid Society of North Carolina. Taken from the table and recommitted to the Committee on Corporations.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporations, and sales under the same.

The question recurring on the amendment offered by Mr. Morehead, of Guilford, it prevailed.

Mr. Humphrey offered the following amendment, which prevailed: In section 1, line 3, strike out the word "hereafter" and strike out the word "a," and insert the word "any." Strike out in line 17 the word "court" and insert

the words "in the same manner." Strike out in section 3, line 1, the word "any" and insert the word "such." Insert the following as section 4: "The provisions of this act shall not apply to any company in which the State of North Carolina has any interest."

Mr. Merrimon offered the following amendment to come in as a new section: "That no mortgage shall be made by any corporation affecting its property as provided in this bill except by the unanimous consent of the stockholders of said corporation, and the provisions of this bill shall not apply to any mortgage heretofore made by any corporation, unless said mortgage was made by and with the unanimous consent of its stockholders."

Mr. Norwood moved to amend the amendment heretofore offered by Mr. Morehead, of Guilford, and adopted by the Senate, by striking out therein the words "debts due from" and inserting in lieu thereof the words "all debts and contracts of."

Mr. Davis moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Davis, and the motion to lay on the table did not prevail. Yeas 9; nays 21.

*Affirmative*—Messrs. Barnhardt, Davis, Dunham, Gudger, McCauley, McCotter, Merrimon, Todd and Troy—9.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Horton, Humphrey, Love, Mabson, Miller, Murphy, Norwood, Powell, Scott, Seymour and Worth—21.

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Merrimon, the yeas and nays were ordered on demand of Mr. Merrimon, and it did not prevail. Yeas 9; nays 29.

*Affirmative*—Messrs. Barnhardt, Davis, Gudger, King, McCauley, McCotter, Merrimon, Troy and Walker—9.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Eppes, Flemming, Harris, Horton, Humphrey, Long, Love, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Todd, Waring, Welch and Worth—29.

The question then recurring on the amendment offered by Mr. Norwood, it prevailed.

The question then recurring on its passage, the bill passed second time. The bill was then read and passed third time. Yeas 21; nays 18.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Horton, Humphrey, Mabson, Miller, Murphy, Murray, Norwood, Respass, Scott, Seymour, Welch and Worth—21

*Negative*—Messrs. Allen, Barnhardt, Davis, Dunham, Gudger, King, Long, McCauley, McCotter, Merrimon, Morehead of Rockingham, Nicholson, Smith, Stafford, Todd, Troy, Walker and Waring—18.

Mr. Cunningham moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

At 11 A. M. the Senate proceeded to consider the special order for that hour, to-wit: Senate bill —, House bill 456—A bill to be entitled an act to raise revenue.

Mr. Cowles moved that the bill be considered by sections. The motion prevailed.

Sections 1, 2 and 3, and classes I and II were severally read.

Section 1 of schedule "B" was then read.

Mr. Waring moved to amend by striking out the same. The amendment did not prevail.

Section 2 of schedule "B" was read.

Mr. Waring moved to amend by striking out the section. The amendment did not prevail.

Section 3 of schedule "B" was read.

Mr. Waring moved to amend by striking out the section. The amendment did not prevail.

Sections 4, 5, 6, 7, 8 and 9 of schedule "B" were severally read.

Section 10 of schedule "B" was read.

Mr. Morehead, of Guilford, moved to amend by inserting after the word "purchases" in line 3, the words "the manufacture of this State and a tax of ten per cent. on the amount of all other purchases except malt liquors."

Mr. Cowles moved to amend the amendment by adding thereto the following: "And said spirituous liquors shall be liable for said tax in the hands of the consignee or any person having the same in charge."

The question recurring on the amendment to the amendment, it did not prevail.

The question recurring on the amendment offered by Mr. Morehead, of Guilford, the yeas and nays were ordered on demand of Mr. Cowles, and it did not prevail. Yeas 9 nays 27.

*Affirmative*—Messrs. Cowles, Cramer, McCauley, Morehead of Guilford, Murray, Nicholson, Respass, Stafford and Troy—9.

*Negative*—Messrs. Allen, Barnhardt, Chamberlain, Cunningham, Dunham, Ellis of Columbus, Eppes, Gudger, Holloman, Horton, Humphrey, King, Long, Love, McCotter, Miller, Morehead of Rockingham, Murphy, Norwood, Powell, Price, Seymour, Todd, Walker, Waring, Welch and Worth—27.

Mr. Waring moved to amend by striking out in line 3 the word "five" and inserting "two and a half." The amendment did not prevail.

Section 11 of schedule "B" was read.

Mr. Love moved to amend by striking out in line 10 the words "twenty-five" and inserting the word "fifty." The amendment did not prevail.

Sections 12, 13, 14 and 15 were severally read.

Section 16 was read.

Mr. Cowles moved to amend by striking out in line 8 the words "thirty-five" and inserting the word "five."

Mr. Nicholson asked for a division of the question.

The question then recurring on the motion to strike out, it did not prevail.

Sections 17, 18, 19, 20, 21, 22, 23 and 24 were severally read.

Section 25 was read.

Mr. Seymour moved to amend by striking out in line 1 the word "life." The amendment prevailed.

Mr. Seymour moved to amend by striking out in line 2 the word "two" and inserting the word "one."

Mr. Humphrey moved to strike out "two" and insert "two and one-half." A division of the question was ordered.

The question then recurring on the motion to strike out, the yeas and nays were ordered on demand of Mr. Cowles, and it did not prevail. Yeas 15; nays 16.

*Affirmative*—Messrs. Barnhardt, Cramer, Cunningham, Ellis of Columbus, Flemming, Harris, Hill, Long, Love, Mabson, Murphy, Norwood, Scott, Seymour and Worth—15.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Dunham, Eppes, Holloman, Humphrey, King, McCauley, McCotter, Miller, Nicholson, Powell, Troy, Walker and Welch—16.

On motion, the further consideration of the bill was postponed and made special order for to-night after the private Calendar was disposed of.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Goldsboro Banking and Loan Association.

An act to incorporate the trustees of Oxford Educational Association.

An act to incorporate the Great Western Air-Line Railway Company.

An act to incorporate Danbury Lodge, No. 323, Free and Accepted Masons, Danbury, Stokes county.

An act to re-enact an act entitled "an act to incorporate the French Broad Turnpike Company."

An act to incorporate the North Carolina Mica Mining Company.

An act to repeal chapter 61, private laws of 1870-'71.

An act to incorporate the Stowe Falls Manufacturing Company.

An act to incorporate White Hill Lodge, No. 321, Ancient, Free and Accepted Masons, Moore county.

An act to amend the school law, ratified the 12th day of February, 1872.

An act to repeal section 1 of an act for the better protection of oysters and terrapins in the waters of North Carolina.

An act to amend chapter 50, private laws of 1871-'72, entitled an act to incorporate the town of Boone, in Watauga county.

An act to incorporate Monatau Lodge, No. 318, Free and Accepted Masons.

Joint resolution of the General Assembly in regard to the Centennial International Exhibition at Philadelphia, July 4, 1876.

Resolution in favor of Brunswick, Edgecombe and Northampton counties.

Resolution in favor of Arthur Dennis.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill 115—A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances.

Senate bill 643—A bill to be entitled an act in favor of the heirs of Jesse McCoy, deceased.

Senate bill 625—A bill to be entitled an act to incorporate the Shallotte Baptist Church, in Brunswick county.

Senate bill 589—A bill to be entitled an act to incorporate Cold Spring Church and Bethel Church, in Cbaarrus county.

Senate bill 181—A bill to be entitled an act concerning the right of way to churches and places of public worship.

Senate bill 448—A bill to be entitled an act to amend an act to establish a turnpike road from the town of Statesville, in Iredell county, to the town of Mount Airy, in Surry county.

Senate bill 632—A bill to be entitled an act to incorporate the town of Coleraine, in Bertie county.

Senate bill 667—A bill to be entitled an act to incorporate the North Carolina Classis of the Reformed Church in the United States.

Senate bill 201—A bill to be entitled an act to amend an act to provide for service of process issuing from courts of justices of the peace in civil causes, &c.

Senate resolution 665—Resolution in favor of Samuel Cabe.

Senate bill 540—A bill to be entitled an act in relation to town lots and town property.

Senate bill 600—A bill to be entitled an act to charter the city of Madison.

Senate bill 480—A bill to be entitled an act to amend the charter of the town of Monroe, in the county of Union.

Senate bill 620—A bill to be entitled an act to establish a public ferry across the Yadkin river.

Amendments to Senate bill 483, House bill 200—A bill to be entitled an act to incorporate the Wilmington Trust Company and Savings Bank.

Amendments to Senate bill 498, House bill 298—A bill to be entitled an act to incorporate the town of Stantonburg, Wilson county.

Amendments to Senate bill 518, House bill 150—A bill to be entitled an act to incorporate the town of Apex.

Amendments to Senate resolution 436, House resolution

155—Resolution in behalf of Jonas Cline, sheriff of Catawba county.

Amendments to Senate bill 142, House bill 92—A bill to be entitled an act to amend chapter 27, private laws of 1870-'71.

The Senate then adjourned.

EVENING SESSION.

7½ O'CLOCK P. M., February 26, 1873.

Bills on third reading were acted on as follows :

Senate bill 616, House bill 419—A bill to be entitled an act to authorize and empower the commissioners of Yadkin county to levy a special tax. Read and passed third time. Yeas 26 ; nays 6.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Eppes, Hyman, Long, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Powell, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—26.

*Negative*—Messrs. Allen, Gudger, Hill, Love, Merrimon and Nicholson—6.

Senate bill 617, House bill 404—A bill to be entitled an act to allow the commissioners of Washington county to levy a special tax, and for other purposes. The bill was read third time.

The amendments offered by the Committee on Propositions and Grievances prevailed, and the bill passed third time. Yeas 26 ; nays 4.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Hill, Holman, Horton, Mabson, McCauley, McCotter, Miller, Murray, Powell, Respass, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—26.

*Negative*—Messrs. Allen, Dunham, Gudger and Love—4.

Senate bill 649, House bill 458—A bill to be entitled an act to authorize the commissioners of Mecklenburg county to sell the present jail, and for other purposes. Read and passed third time. Yeas 34; nays 2.

*Affirmative*—Messrs. Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Horton, Humphrey, Mabson, McCauley, Miller, Morehead, of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Negative*—Messrs. Allen and Love—2.

Senate bill 652, House bill 380—A bill to be entitled an act to authorize the commissioners of the town of Murfreesboro to levy taxes. Read and passed third time. Yeas 22; nays 13.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Mabson, Morehead of Guilford, Murray, Respass, Scott, Seymour, Smith, Waring and Worth—22.

*Negative*—Messrs. Barnhardt, Davis, Gudger, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Powell, Stafford, Todd and Troy—13.

Senate bill 718—A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax. Read and passed third time. Yeas 27; nays 2.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Horton, Hyman, Mabson, Miller, Morehead of Guilford, Murray, Nicholson, Respass, Seymour, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Allen, and Morehead of Rockingham—2.

Senate bill 492, House bill 261—A bill to be entitled an act to amend the charter of the city of Raleigh. Read and passed third time.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Respass—A bill to be entitled an act to incorporate the Plymouth and Fairfield Railroad Company. To the Committee on Internal Improvements.

By message from the House of Representatives—House bill 477—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company. To the Committee on Internal Improvements.

House bill 580—A bill to be entitled an act to amend the charter of the Western Division of the Western North Carolina Railroad. To the Committee on Internal Improvements.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 184, House bill 447—A bill to be entitled an act to authorize a special tax in Beaufort county, with certain amendments.

On motion of Mr. Respass, the Senate refused to concur in the House amendments, and ordered that a message be sent to the House of Representatives asking for a committee of conference.

A message was received from the House of Representatives asking that House bill 496—A bill to be entitled an act to raise revenue be returned to that body for correction, and in response thereto a message was sent to the House of Representatives returning said bill.

The following named bills were acted on as follows:

Senate bill 68, House bill 436—A bill to be entitled an act to authorize the commissioners of Forsythe county to appoint a special tax collector. Read and passed second and third times.

Senate resolution 556—Resolution in favor of James C. McGowan. Read and passed second and third times.

Senate bill 199—A bill to be entitled an act to refund the

taxes paid by the Atlantic, Tennessee and Ohio Railroad Company for the years 1871-'72. The bill was read second time.

Mr. Ellis, of Columbus, moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Waring, and the motion to lay upon the table did not prevail. Yeas 18; nays 19.

*Affirmative*—Messrs. Allen, Cunningham, Davis, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, King, Love, Mabson, McCotter, Seymour, Smith, Todd and Walker—18.

*Negative*—Messrs. Barnhardt, Chamberlain, Cowles, Fleming, Gudger, Horton, Long, McCauley, Merrimon, Morehead of Guilford, Murphy, Nicholson, Powell, Scott, Smith, Stafford, Troy, Waring and Worth—19.

The question then recurring on its passage, the bill failed to pass second time. Yeas 18; nays 20.

*Affirmative*—Messrs. Barnhardt, Cowles, Dunham, Fleming, Horton, McCauley, Merrimon, Morehead of Guilford, Murphy, Murray, Nicholson, Powell, Scott, Stafford, Troy, Walker and Waring—18.

*Negative*—Messrs. Chamberlain, Cunningham, Davis, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCotter, Respass, Seymour, Smith, Todd and Worth—20.

Senate resolution 397—Resolution for the relief of the Wilmington and Weldon Railroad Company. Read second time and rejected. Yeas 5; nays 30.

*Affirmative*—Messrs. Allen, Flemming, Murphy, Troy and Waring—5.

*Negative*—Messrs. Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Gudger, Harris, Holloman, Horton, Humphrey, King, Long, Love, Mabson, McCotter, Merrimon, Murray, Nicholson,

Powell, Scott, Smith, Stafford, Todd, Walker, Welch and Worth—30.

Senate bill —, House bill 436—A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax. Read and passed second time. Yeas 24; nays 5.

*Affirmative*—Messrs. Barnhardt, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Hill, Holloman, Horton, Humphrey, King, Mabson, McCauley, McCotter, Miller, Murray, Nicholson, Respass, Seymour, Stafford, Todd, Troy, Walker and Worth—24.

*Negative*—Messrs. Cowles, Dunham, Gudger, Love and Smith—5.

Mr. Love moved to reconsider the vote by which Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turnpike road from Marion, in the county of McDowell, to Asheville, in the county of Buncombe, failed to pass third time.

The yeas and nays were ordered on demand of Mr. Dunham, and the motion prevailed. Yeas 22; nays 15.

*Affirmative*—Messrs. Chamberlain, Cowles, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, Merri-  
mon, Miller, Seymour, Smith, Todd, Troy and Walker—22.

*Negative*—Messrs. Barnhardt, Cunningham, Dunham, Ellis of Columbus, King, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Powell, Scott, Stafford, Waring and Worth—15.

The question then recurring on the passage of the bill on its third reading, on motion the further consideration of the bill was postponed, and made special order for 12 M. of tomorrow.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed.

Bills, were transmitted to the House of Representatives for concurrence.

Senate bill 66—A bill to be entitled an act to regulate mortgages by corporation and sales under the same.

Mr. Dunham moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Cunningham, and the motion prevailed. Yeas 21; nays 16.

*Affirmative*—Messrs. Allen, Chamberlain, Dunham, Eppes, Hill, Holloman, Horton, Hyman, King, Long, Love, Mabson, McCauley, McCotter, Merrimon, Powell, Respass, Seymour, Smith, Walker, Welch and Worth—21.

*Negative*—Messrs. Cowles, Cunningham, Davis, Ellis of Columbus, Gudger, Humphrey, Miller, Morehead of Guilford, Murray, Nicholson, Scott, Stafford, Todd, Troy, Waring and Welch—16.

The Senate then adjourned.

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## SIXTY-SIXTH DAY.

SENATE CHAMBER, February 27, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love—Senate bill —A bill to be entitled an act in regard to weighing cotton in Craven county, with a recommendation that it lie upon the table.

On motion, the bill was laid on the table.

Senate bill 722, House bill 518—A bill to be entitled an act to provide adequate clerical force in the offices of Secretary of State and Auditor, with a recommendation that it do not pass.

Senate bill 694, House bill 472—A bill to be entitled an act to prevent the obstruction of fish passing up Roanoke river, with a recommendation that it do pass.

From the Committee on Judiciary :

By Mr. Allen—Senate bill —, House bill 249—A bill to be entitled an act to provide for amendments in justices' courts, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill —, House bill 243—A bill to be entitled an act to amend chapter 139 of the laws of 1870-'71, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill —, House bill 254—A bill to be entitled an act to amend sections 496 and 497 of the Code of Civil Procedure, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill —, House bill 500—A bill to be entitled an act to allow certain counties to elect a finance committee, with a recommendation that it do not pass.

By Mr. Merrimon—Senate bill —A bill to be entitled an act to cure defects in sales of land by executors, administrators, commissioners of courts, and in cases of partition among tenants in common, with a recommendation that it do pass.

Senate bill 672—A bill to be entitled an act to regulate the sale of lands sold under execution, with a recommendation that it do not pass.

House bill 134—A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistakes of jurisdiction, and other causes, with a recommendation that it do pass.

By Mr. Dunham—Senate bill 372—A bill to be entitled an act to change the time for holding the Superior Courts of Pitt, Hyde and Beaufort, with amendment.

House bill 488—A bill to be entitled an act to amend

chapter 241 of the laws of 1870-'71, with a recommendation that it do pass.

By Mr. Price—Senate bill 620, House bill 37—A bill to be entitled an act to create a laborers' and mechanics' lien law, and for other purposes, with a recommendation that it do pass.

Senate bill 660, House bill 230—A bill to be entitled an act to repeal parts of chapter 250, laws of 1868-'69, with a recommendation that it do pass.

From the Committee on Corporations:

By Mr. Welch—House bill 522—A bill to be entitled an act to incorporate Flat Rock Camp Ground, in the county of Guilford, with a recommendation that it do pass.

By Mr. Price—House bill 226—A bill to be entitled an act concerning corporations, with a recommendation that it do pass.

From the Committee on Finance:

By Mr. Worth—House resolution 221—Resolution to provide for a casual deficit in the treasury, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Hill—A bill to be entitled an act to provide a central place for comparing the election returns of Brunswick county. Placed on the Calendar.

By Mr. Norwood—A bill to be entitled an act to levy a special tax for Orange county. Placed on the Calendar.

By Mr. Mr. Waring—A bill to be entitled an act in relation to the fees of the coroners of the counties of Mecklenburg and Davie. To the Committee on Propositions and Grievances.

By Mr. Walker—A bill to be entitled an act to authorize the citizens of Rutherfordton to levy a special tax for the purpose of education. Placed on the Calendar.

By Mr. Dunham—A bill to be entitled an act concerning

the ratification of the laws of the present session of the General Assembly. Placed on the Calendar.

A bill to be entitled an act supplemental to and declaratory of the meaning of an act entitled "an act for the relief of Timothy F. Lee, sheriff of Wake county," ratified February 1, 1873. Placed on the Calendar.

By message from the House of Representatives—House bill 215—A bill to be entitled an act relating to fences, and for the protection of crops.

House bill 586—A bill to be entitled an act to incorporate the town of Morrisville, in Iredell county, and to prohibit the sale of spirituous liquors therein. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Flemming—Resolution in favor of W. H. Morris & Co. Placed on the Calendar.

Mr. Flemming moved that when the Senate adjourn it will adjourn to meet at 4 P. M. of to-day. The motion prevailed.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 647, House bill 552—A bill to be entitled an act prohibiting the sale of intoxicating liquors in certain localities, with certain amendments.

Mr. Cowles moved to amend the amendments adopted by the House, inserting the word "Sentinel" after the word "News," in the last line thereof. The amendment prevailed.

At 12 M. the Chair announced the special order for that hour, to-wit: The motion of Mr. Love to reconsider the vote by which Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turn-pike road from Marion, in the county of McDowell, to Asheville, in the county of Brunswick.

Mr. Ellis, of Catawba, moved that the consideration of

this motion be postponed, and made special order for 10½ o'clock A. M. of to-morrow, and for each succeeding day until disposed of. The motion prevailed.

The Chair then announced the next special order.

Mr. Love moved that the consideration thereof be postponed until the matter now before the Senate was disposed of. The motion prevailed.

The question then being, "Shall the Senate concur in the House amendments to Senate bill 647, House bill 552—A bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities," the Senate concurred.

Mr. Harris moved to reconsider the vote just had. The motion prevailed.

Mr. Love moved that the Senate refuse to concur, and that a message be sent to the House of Representatives informing that body that the Senate had adopted certain amendments to the amendments adopted by the House, that the Senate had refused to concur in the House amendments as amended, and asking that a committee of conference be appointed. The motion prevailed, and a message was sent in accordance with the order of the Senate.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate resolution 711, House resolution 219—Resolution in favor of John H. Hill, Doorkeeper of the House. Read and passed second and third times.

Senate bill 176—A bill to be entitled an act concerning conveying convicts, &c. Read and passed second and third times.

A bill to be entitled an act supplemental to and declaratory of the meaning of an act entitled "an act for the relief of Timothy F. Lee, sheriff of Wake county," ratified February 1, 1873. Read and passed second and third times.

Senate bill 725—A bill to be entitled an act concerning the ratification of the laws of the present session of the

General Assembly. Read and passed second and third times.

Senate bill 205—A bill to be entitled an act in relation to taking fish in Pamlico river or its tributaries. Read and passed second and third times.

Senate bill 223—A bill to be entitled an act to regulate the bringing of suits in *forma pauperis*. Read and passed second and third times.

Senate bill 250—A bill to be entitled an act to amend chapter 130 laws of 1871-'72, relating to clerks of the Superior Courts. The bill was read second time.

The amendment in the nature of a substitute offered by the Committee on Judiciary prevailed, and the bill passed second time. The bill was read third time.

Senate bill 285—A bill to be entitled an act providing for the biennial election of officers of the General Assembly, and prescribing their duties. Laid on the table.

Senate bill 387—A bill to be entitled an act to repeal chapter 137, laws of 1869-'70. Read and passed second and third times.

Senate bill 376—A bill to be entitled an act concerning justices of the peace in Cross Creek township, in the county of Cumberland. Read and passed second and third times.

Senate bill 351—A bill to be entitled an act to amend section 29 chapter 213 of the laws of 1871-'72. Read and passed second and third times.

Senate bill 294—A bill to be entitled an act to authorize the Western Railroad Company to issue bonds. Read and passed second time. The bill was read third time.

Mr. Troy moved to amend by adding the following to section 1: "*Provided*, That no bonds shall be issued under this act until the litigation now pending concerning said road, and a former mortgage, shall be settled." The amendment prevailed, and the bill passed third time.

Senate bill 384—A bill to be entitled an act for the better protection of the poor. Laid on the table.

Senate bill 262—A bill to be entitled an act to incorporate the North and South Air-Line Railroad Company. Laid on the table.

Senate bill 129—A bill to be entitled an act to repeal an act entitled an "act to enable any persons not less than three, to become incorporated, and to regulate such, and other corporations. Laid on the table."

Senate bill 246—A bill to be entitled an act to repeal chapter 179 of the public laws of 1870-'71, requiring a suit to be instituted against the Albemarle and Chesapeake Canal Company. Laid on the table.

Senate bill 127—A bill to be entitled an act to incorporate the Fairfield and Plymouth Railroad Company. Read and passed second and third times.

Senate bill 331—A bill to be entitled an act to establish a hospital for the insane in North Carolina. The bill was read second time.

Mr. Troy moved to amend by striking out in section 2 the words "contract for," and inserting after the word "hospital" the words, "with the convicts of the State."

Mr. Cowles moved to strike out the fourth section.

Mr. Cramer offered an amendment in the nature of a substitute for the bill.

Mr. ——— moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Troy, it prevailed.

The question then recurring on the amendment offered by Mr. Cowles, it prevailed.

The question then recurring on the amendment in the nature of a substitute offered by Mr. Cramer, it prevailed.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Cowles, and the bill passed second time. Yeas 20; nays 18.

*Affirmative*—Messrs. Allen, Cramer, Davis, Dunham, Ellis

of Catawba, Ellis of Columbus, Eppes, Gudger, Hill, Horton, Mabson, McCotter, Miller, Morehead of Guilford, Powell, Smith, Todd, Walker, Waring and Worth—20.

*Negative*—Messrs. Cowles, Cunningham, Humphrey, Hyman, King, Long, Love, Merrimon, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Troy and Welch—18.

The bill was then read third time and rejected.

*Affirmative*—Messrs. Chamberlain, Cramer, Davis, Dunham, Ellis of Columbus, Gudger, Hill, Mabson, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Price, Smith, Waring and Worth—16.

*Negative*—Messrs. Barnhardt, Cowles, Cunningham, Eppes, Flemming, Harris, Horton, Humphrey, King, Long, Love, McCotter, Merrimon, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Troy, Walker and Welch—23.

House resolution 221—Resolution to provide for a casual deficit in the treasury. Read and passed second time. Yeas 32; nays 3.

*Affirmative*—Messrs. Allen, Barnhardt, Chamberlain, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCotter, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Negative*—Messrs. Cowles, Horton and Nicholson—3.

House bill 167—A bill to be entitled an act to raise revenue, was then resumed.

Section 25 was read.

Mr. Seymour moved to amend by striking out the word "five."

Mr. Cowles moved to amend the amendment by adding thereto the words "and inserting two and a half."

A division of the question having been ordered, the motion to strike out prevailed.

Mr. Seymour moved to insert "one."

The question recurring first on the motion of Mr. Cowles to insert "two and a half," the yeas and nays were ordered on demand of Mr. Cowles, and the motion did not prevail. Yeas 16; nays 22.

*Affirmative*—Messrs. Allen, Chamberlain, Dunham, Ellis of Catawba, Gudger, Holloman, Horton, Love, McCotter, Merrimon, Nicholson, Powell, Smith, Stafford, Todd and Welch—16.

*Negative*—Messrs. Barnhardt, Cramer, Cunningham, Ellis of Columbus, Eppes, Hill, King, Long, Mabson, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Troy, Walker, Waring and Worth—22.

Mr. Cowles moved to insert "two."

The yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 22; nays 19.

*Affirmative*—Messrs. Allen, Chamberlain, Cunningham, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Holloman, Horton, King, Love, McCotter, Merrimon, Miller, Nicholson, Powell, Smith, Stafford, Todd, Walker and Welch—22.

*Negative*—Messrs. Barnhardt, Cramer, Ellis of Columbus, Harris, Hill, Hyman, Long, Mabson, McCabe, McCauley, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Troy, Waring and Worth—19.

Mr. Troy moved to amend by inserting the following after the word "county" in line 46, "which shall not exceed one per centum on such gross receipts." The amendment prevailed.

The 26th section was read.

Mr. Troy moved to amend by striking out all after the word "sheriff" in line 14 to and including the word "sales" in line 17. The amendment prevailed.

Sections 27, 28, 29, 30, 31, 32 and 33 of schedule "B," and sections composing schedule "C," were severally read.

The question then recurring on the passage of the bill on

its second reading, Mr. Worth moved to amend by inserting the following after the word "credit" in line 7, section 12 of schedule "B," "except the products of manufacturers and agricultural products of this State, and no retail merchant shall be required to pay tax on purchases made from wholesale merchants residing in this State." The amendment prevailed.

Mr. Troy moved to amend by striking out in section 12 all after the word "tax" in line 30. The amendment prevailed.

Mr. Troy moved to amend by adding to section 4, class I, the words "and for no other purpose." The amendment prevailed.

Mr. Long moved to amend by striking out the word "gross" and inserting the word "net" in line 1, section 13, schedule "B." The amendment did not prevail, and the bill then passed second time.

*Affirmative*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Dunham, Flemming, Gudger, Harris, Hill, Holloman, Hyman, Love, McCabe, Murphy, Murray, Norwood, Price, Scott, Seymour, Stafford, Todd, Troy, Walker and Worth—24.

*Negative*—Messrs. Chamberlain, Cramer, Horton, Long, McCauley, Merrimon, Miller, Nicholson, Smith and Welch—10.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence:

Amendments to Senate bill 580, House bill 319—A bill to be entitled an act to amend chapter 27, private laws of 1871 and 1872, and to re-enact chapter 123, private laws 1869-'70, sections 8 and 11.

Amendments to Senate bill 492, House bill 261—A bill to be entitled an act to amend the charter of the city of Raleigh.

Senate bill 718—A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax.

Amendments to Senate bill 617, House bill 404—A bill to be entitled an act to allow the commissioners of Washington county to levy a special tax and for other purposes.

Amendments to House resolution 287, Senate resolution 743—Resolution in regard to the public laws of 1871-'72.

Senate bill 735—A bill to be entitled an act to incorporate the Plymouth and Fairfield Railroad Company.

Mr. Cowles moved to reconsider the vote by which the Senate resolved that when it adjourn it will adjourn to meet at 4 P. M. of to-day.

Mr. Flemming moved that that motion lie upon the table.

Mr. Welch moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the motion to reconsider, it prevailed.

On motion, the Senate then adjourned.

#### EVENING SESSION.

7½ O'CLOCK P. M., February 27, 1873.

The following named bills were acted on as follows :

Senate bill 689, House bill 469—A bill to be entitled an act to authorize the board of county commissioners of Brunswick county to levy a special tax and for other purposes. Read and passed second time. Yeas 27 ; nays 8.

*Affirmative*—Messrs. Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Gudger, Hill, Holloman, Hyman, Mabson, McCauley, Miller, Murphy, Murray, Norwood, Price, Respass, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Barnhardt, Cowles, Dunham, Horton, Humphrey, King, Long and Nicholson—8.

Senate bill 728, House bill 536—A bill to be entitled an

act to authorize the Commissioners of Wilkes county to issue bonds. The bill was read second time. The amendments offered by the Committee on Propositions and Grievances prevailed and the bill passed second time. Yeas 23; nays 4.

*Affirmative*—Messrs. Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Hill, Horton, Humphrey, McCauley, Norwood, Powell, Respass, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—23.

*Negative*—Messrs. King, Love, McCotter and Merrimon—4.  
Senate bill 730, House bill 436—A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax. The bill was read third time.

Mr. Todd moved to amend by adding the following to section 1: "*Provided*, That the constitutional equation shall be observed between property and polls." The amendment prevailed and the bill passed third time. Yeas 24; nays 7.

*Affirmative*.—Messrs. Barnhardt, Chamberlain, Cramer, Cunningham, Ellis of Columbus, Flemming, Holloman, Humphrey, King, Long, McCotter, Miller, Murphy, Murray, Powell, Respass, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—24.

*Negative*—Messrs. Cowles, Dunham, Gudger, Horton, Love, Merrimon and Nicholson—7.

Senate bill 723—A bill to be entitled an act to empower the commissioners of the town of Milton to issue bonds. Read and passed second time. Yeas 29; nays 3.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Love, Mabson, Miller, Murphy, Nicholson, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Negative*—Messrs. Horton, King and McCotter—3.

Senate bill 707, House bill 441—A bill to be entitled an act to authorize the commissioners of Wayne county to levy a special tax. Read and passed second time. Yeas 28; nays 4.

*Affirmative*—Messrs. Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, King, Long, Mabson, McCauley, McCotter, Miller, Murray, Nicholson, Norwood, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—28.

*Negative*—Messrs. Dunham, Gudger, Horton and Love—4.

Senate bill 715, House bill 437—A bill to be entitled an act to authorize the board of commissioners of Alamance county to levy a special tax, and for other purposes. Read and passed second time. Yeas 22; nays 5.

*Affirmative*—Messrs. Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Harris, Hill, Holloman, Humphrey, Mabson, McCauley, McCotter, Murray, Nicholson, Norwood, Scott, Seymour, Todd, Troy, Walker, Waring and Worth—22.

*Negative*—Messrs. Dunham, Gudger, Horton, King and Love—5.

Senate bill 677—A bill to be entitled an act to amend the charter of the city of Wilmington. The bill was read second time.

Mr. Norwood offered an amendment in the nature of a substitute.

Mr. Troy moved the previous question, and the Senate ordered the main question.

The question recurring on the amendment in the nature of a substitute, the yeas and nays were ordered on demand of Mr. Seymour, and the amendment prevailed. Yeas 22; nays 16.

*Affirmative*—Messrs. Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nich-

olson, Norwood, Powell, Price, Scott, Todd, Troy, Waring and Worth—22.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Respass, Seymour, Smith and Walker—16.

The question then recurring on its passage, the bill passed second time. The bill was then read the third time.

Mr. Seymour moved to amend by striking out the first seven lines of section 2 and inserting the following: "That seven persons shall be elected by the city of Wilmington who shall constitute a body politic by the name of the Fire Commissioners of Wilmington."

Mr. Harris moved that the bill lie upon the table.

Mr. Cunningham moved the previous question.

The yeas and nays were ordered on demand, and no quorum voted. Yeas 21; nays 3.

*Affirmative*—Messrs. Barnhardt, Cowles, Cunningham, Dunham, Ellis of Columbus, Horton, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—21.

*Negative*—Messrs. Cramer, Harris and King.

Mr. Dunham moved a call of the house.

Mr. Seymour moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Dunham, and the Senate refused to adjourn. Yeas 4; nays 26.

*Affirmative*—Messrs. Hill, Seymour, Smith and Walker—4.

*Negative*—Messrs. Barnhardt, Chamberlain, Cowles, Cunningham, Dunham, Ellis of Columbus, Holloman, Horton, Humphrey, King, Love, McCauley, Merrimon, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—26.

Mr. Seymour moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Seymour, the yeas and nays were ordered on de-

mand of Mr. Seymour, and the amendment did not prevail. Yeas 17; nays 20.

*Affirmative*—Messrs. Chamberlain, Cramer, Eppes, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCotter, Merrimon, Murphy, Respass, Seymour, Smith and Walker—17.

*Negative*—Messrs. Barnhardt, Cowles, Cunningham, Dunham, Ellis of Columbus, Horton Humphrey, McCauley, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Todd, Troy, Waring and Worth—20.

Mr. Mabson, by consent, moved to amend by striking out the names of F. W. Kerchner and D. G. Worth, and inserting the names of Owen Dare and William P. Cannady. The amendment did not prevail.

The question then recurring on its passage, the bill did not pass third time. Yeas 16; nays 25.

*Affirmative*—Messrs. Barnhardt, Cunningham, Dunham, Ellis of Columbus, Horton, McCauley, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Scott, Todd, Waring and Worth—16.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Ellis of Catawba, Eppes, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCotter, Merrimon, Murphy, Respass, Seymour, Smith, Troy, Walker and Welch—25.

Senate bill 702, House bill 480—A bill to be entitled an act to authorize the employment of a police force in the town of Statesville. The bill was read second time.

The amendment offered by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 727, House bill 215—A bill to be entitled an act in relation to fences and for the protection of crops. Read and passed second and third times. Yeas 26; nays 10.

*Affirmative*—Messrs. Barnhardt, Cowles, Cunningham, Da-

vis, Ellis of Catawba, Ellis of Columbus, Gudger, Holloman, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Respass, Scott, Seymour, Walker, Waring, Welch and Worth—26.

*Negative*—Messrs. Chamberlain, Dunham, Eppes, Hill, Hyman, King, Long, Mabson, Todd and Troy—10.

Reports from standing committees were submitted as follows :

From Committee on Internal Improvements :

By Mr. Welch—House bill 477—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company, with amendments.

House bill 580—A bill to be entitled an act to amend the charter of the Western Division of the Western North Carolina Railroad, with a recommendation that it do pass.

By Mr. Gudger—Senate bill 197—A bill to be entitled an act to recharter the Hickory Nut Turnpike Company, with recommendation that it do pass.

From the Committee on Propositions and Grievances—By Mr. Price—A bill to be entitled an act in relation to the fees of coroners of the counties of Mecklenburg and Davie, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed Senate resolution 366, House resolution 230—Resolution in relation to refunding certain railroad tax to the sheriff of Iredell county, W. B. Wasson, with certain amendments.

On motion, the Senate concurred in the House amendments, and the resolution was ordered to be enrolled for ratification.

A message was received from the House of Representatives informing the Senate that that body had refused to recede from the amendments adopted by itself to Senate bill 647, House bill 552—A bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities, and had refused to concur in the amendments adopted by the Senate.

to its amendments, and had concurred in the proposition to raise a committee of conference, and designating Messrs. Brown, of Mecklenburg, Bowman, McNeill, Michael and Dickey as the House branch of said committee.

Thereupon the Chair designated Messrs. Love, King and Ellis, of Columbus, as the Senate branch of said committee, and a message was sent informing the House of that fact.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

House bill 492—A bill to be entitled an act to re-enact an act to incorporate the Granville Railroad Company. Placed on the Calendar.

House bill 545—A bill to be entitled an act to authorize the sale of public town lots in Danbury, in the county of Stokes. To the Committee on Propositions and Grievances.

House bill 594—A bill to be entitled an act to incorporate the Ladies Co-operative Association of Wilmington. Placed on the Calendar.

House bill 516—A bill to be entitled an act to authorize the commissioners of Halifax county to levy a special tax. Placed on the Calendar.

House bill 506—A bill to be entitled an act to incorporate the Cross Creek Benevolent Society of Fayetteville. To the Committee on Public Charities.

House bill 460—A bill to be entitled an act to authorize the commissioners of Onslow county to sell Alum Spring and property, former site of poor-house of said county. Placed on the Calendar.

House bill 357—A bill to be entitled an act to amend chapter 167, laws of 1869-'70. To the Committee on Judiciary.

House bill 424—A bill to be entitled an act for the relief of the sheriff and tax collectors of Forsythe county. To the Committee on Propositions and Grievances.

House bill 572—A bill to be entitled an act to validate

the sale of certain lands in the county of Wilkes. To the Committee on Propositions and Grievances.

House bill 370—A bill to be entitled an act to authorize the Secretary of State to furnish documents and other papers. To the Committee on Propositions and Grievances.

House bill 255—A bill to be entitled an act to prescribe the duties of clerks of the Superior Courts and justices of the peace in relation to bills of cost. To the Committee on Judiciary.

House bill 534—A bill to be entitled an act to authorize the citizens of Graham county to travel free of charge over the Western turnpike road, in Cherokee county. To the Committee on Propositions and Grievances.

House bill 543—A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Robeson and Brunswick. To the Committee on Judiciary.

House bill 520—A bill to be entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company. Placed on the Calendar.

House bill 489—A bill to be entitled an act for the laying off and constructing of a public highway in the county of Warren. To the Committee on Propositions and Grievances.

House bill 241—A bill to be entitled an act in relation to the statute of limitations. To the Committee on Judiciary.

House bill 392—A bill to be entitled an act amendatory of an act entitled "an act authorizing the sale of certain lands," ratified 26th day of March, A. D. 1870.

By Mr. Troy—A bill to be entitled an act concerning the penitentiary. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution 232—Resolution to provide for celebrating the 100th anniversary of the Mecklenburg Declaration of Independence. Placed on the Calendar.

House resolution 237—Resolution in favor of W. W.

Mooring and D. D. Ferebee, of Camden county. Placed on the Calendar.

House resolution 149—Resolution in favor of Mason L. Wiggins, of Halifax. Placed on the Calendar.

House resolution 234—Resolution in relation to the Western North Carolina Railroad. Placed on the Calendar.

House resolution 209—Resolution in favor of W. H. Battle. Referred to the Committee on Claims.

The following named bills were read and passed second and third times:

Senate bill 734—A bill to be entitled an act to provide a central place for comparing the election returns of Brunswick county.

Senate bill 731, House bill 488—A bill to be entitled an act to amend chapter 241 of the laws of 1870-'71.

Senate bill 729, House bill 522—A bill to be entitled an act to incorporate Flat Rock Camp Ground, in the county of Guilford.

Senate bill 721, House bill 531—A bill to be entitled an act to incorporate the town of Castalia, in Nash county.

Senate bill 720, House bill 505—A bill to be entitled an act to incorporate the town of Fair Bluff, in the county of Columbus.

Senate bill 708, House bill 433—A bill to be entitled an act to incorporate the town of Averasboro, in the county of Harnett.

Senate bill 705, House bill 362—A bill to be entitled an act in regard to collecting special taxes.

Senate bill 695—A bill to be entitled an act to prevent the retailing of spirituous liquors in the town of Statesville.

Senate bill 690, House bill 443—A bill to be entitled an act to incorporate the Weldon and Garysburg Road and Ferry Company.

Senate bill 622, House bill 366—A bill to be entitled an act to extend the time of E. A. Gupton, ex-sheriff of Franklin county, to make settlement with the county treasurer.

Senate bill 738, House bill 392—A bill to be entitled an act amendatory of an act authorizing the sale of certain lands, ratified 26th day of March, A. D. 1870.

Senate bill 727, House bill 215—A bill to be entitled an act in relation to fences, and for the protection of crops.

Senate bill 656, House bill 313—A bill to be entitled an act to amend the act to lay off and establish the county of Dare.

Senate resolution 713—Resolution in favor of J. H. Ennis.  
On motion, the Senate then adjourned.

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## SIXTY-SEVENTH DAY.

SENATE CHAMBER, February 28, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The President presented to the Senate the resignation of J. B. Respass, Senator from the Second Senatorial District, which was read.

Reports from standing Committees were submitted as follows:

By Mr. Flemming—House bill 207—A bill to be entitled an act to amend section 4 chapter 113, acts of 1868-'69, with a recommendation that it do pass.

Senate bill — A bill to be entitled an act to secure the rights of the State and stockholders of the Western North Carolina Railroad Company, and to insure its speedy completion, with a recommendation that it do pass.

By Mr. Dunham—House bill 241—A bill to be entitled an act in reference to the statute of limitations, with a recommendation that it do pass.

The following named bills were introduced, read and

passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Troy—A bill to be entitled an act in relation to the penitentiary. Placed on the Calendar.

By Mr. Murphy—A bill to be entitled an act to repeal certain parts of chapter 170, public laws of 1868-69. Placed on the Calendar.

By Mr. Cunningham—A bill to be entitled an act to amend sections 31 and 38 of the school law. Placed on the Calendar.

By message from the House of Representatives—House bill 622—A bill to be entitled an act for the benefit of the securities of Matheas Masten, late sheriff of Forsythe county. Placed on the Calendar.

House bill 495—A bill to be entitled an act to authorize a survey of the Tennessee and North Carolina State line. Placed on the Calendar.

House bill 555—A bill to be entitled an act to incorporate the town of Jonesboro, in Moore county. Placed on the Calendar.

House bill 521—A bill to be entitled an act to make a donation of a lot belonging to the State, &c. Placed on the calendar.

By Mr. Powell—A bill to be entitled an act to incorporate the Lockville Locomotive and Car Company. Placed on the Calendar.

A bill to be entitled an act to incorporate the Haw River Iron Company. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Troy—Resolution to repeal chapter 93 of the public laws of 1871-72. Made special order for 1 P. M. to-day.

By Mr. Merrimon—Resolution in favor of James M. Young, sheriff of Buncombe county. Placed on the Calendar.

By message from the House of Representatives—House

resolution 235—Resolution in regard to R. M. Henry. Read for the information of the Senate.

Resolution 233—Resolution in favor of A. M. Lewis, Jr. Placed on the Calendar.

House resolution 216—Resolution in favor of the Engrossing and Enrolling Clerks. Placed on the Calendar.

By Mr. Merrimon—Resolution in favor of Judge James L. Henry. Placed on the Calendar.

By Mr. Murphy—Resolution appointing Dr. W. R. Sharpe and Captain C. B. Denson, members of of the board of public charities.

On motion, the rules were suspended, and the resolution was adopted and ordered to be transmitted to the House of Representatives for concurrence.

By Mr. Humphrey—Resolution in regard to Vienna World's Fair. Adopted.

At 10½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: The motion of Mr. Love to reconsider the vote by which Senate bill 396, House bill 95—A bill to be entitled an act to amend and carry into effect chapter 36, laws of 1868-'69, being an act entitled "an act to establish a turnpike road from Marion, in the county of McDowell to Asheville, in the county of Buncombe."

The question recurring on the motion to reconsider, it prevailed.

Mr. Merrimon moved the previous question.

The yeas and nays were ordered on demand, and the Senate ordered the main question to be put. Yeas 24; nays 11.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Mabson, Merrimon, Scott, Seymour, Smith, Todd, Walker, Waring, Welch and Worth—24.

*Negative*—Messrs. Allen, Dunham, Ellis of Columbus, King, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Stafford and Troy—11.

The question then recurring on the passage of the bill on its third reading, the yeas and nays were ordered on demand, and the bill did not pass. Yeas 18; nays 24.

*Affirmative*—Messrs. Cowles, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Horton, Hyman, Mabson, McCabe, Merrimon, Price, Seymour, Smith, Todd, Walker and Welch—18.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Humphrey, King, Long, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Stafford, Troy, Waring and Worth—24.

Mr. King moved to reconsider the vote just had, and that that motion lie upon the table. The motion to lay on the table prevailed.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 373, House bill 319—A bill to be entitled an act for amnesty and pardon.

Mr. Seymour moved to amend the amendments by adding thereto the following: "*Provided further*, That the provisions of this act shall not apply to any member of the Union League, Heroes of America or Red Strings."

Mr. Mabson moved the previous question.

The yeas and nays were ordered on demand of Mr. Seymour, and the Senate refused to order the main question to be put. Yeas 12; nays 25.

*Affirmative*—Messrs. Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, Humphrey, McCauley, Miller, Murphy, Todd and Troy—12.

*Negative*—Messrs. Chamberlain, Cowles, Cramer, Ellis of Catawba, Eppes, Gudger, Harris, Hill, Holloman, King, Long, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith and Worth—25.

The question then recurring on the amendment offered

by Mr. Seymour, the yeas and nays were ordered on demand, and the amendment did not prevail. Yeas 17; nays 25.

*Affirmative*—Messrs. Chamberlain, Cramer, Ellis of Catawba, Eppes, Harris, Hill, Holloman, Hyman, King, Long, Mabson, McCabe, McCotter, Seymour, Smith, Troy and Walker—17.

*Negative*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Todd, Waring, Welch and Worth—25.

The question then recurring on concurring in the House amendments, the Senate concurred.

Mr. Love submitted a report from the Committee of Conference on Senate bill 647, House bill 435—A bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities, which was read and concurred in, and ordered to be transmitted to the House of Representatives.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 673, House bill 565—A bill to be entitled an act touching the sale of spirituous liquors in certain localities.

On motion, the Senate refused to concur in the House amendments, and ordered that a message be sent to the House of Representatives informing that body that the Senate had refused to concur, asking that a committee of conference be appointed, and designating Messrs. Love, King and Ellis, of Columbus, as the Senate branch of said committee.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 550, House bill 523—A bill to be entitled an act to authorize the commissioners of Randolph county to levy a special tax, with certain amendments.

On motion, the Senate concurred in the House amendments, and the bill was ordered to be enrolled for ratification.

A message was sent to the House of Representatives transmitting the report of the Committee of Conference on Senate bill 647, House bill —, A bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities. Also a message transmitting Senate bill —, A bill to be entitled an act to amend sections 31 and 38 of the school law.

Senate resolution—Resolution in favor of Judge James L. Henry.

Senate resolution—Resolution appointing Dr. W. R. Sharpe and Captain C. B. Denson members of the board of public charities.

Bills and resolutions were acted on under a suspension of the rules, as follows :

Senate bill —, A bill to be entitled an act to amend sections 31 and 38 of the school law. Read and passed second and third times, and ordered to be transmitted to the House of Representatives for concurrence, without engrossment.

Senate resolution —, Resolution in favor of Judge James L. Henry. Read and passed second and third times, and ordered to be without engrossment transmitted to the House of Representatives for concurrence.

House bill 241—A bill to be entitled an act in reference to the statute of limitations. Read and passed second and third times.

Senate bill 694, House bill 472—A bill to be entitled an act to prevent the obstruction of fish passing up Roanoke river. Read and passed second and third times.

Senate bill 644, House bill 250—A bill to be entitled an act to re-enact an act entitled “an act to secure advances made for agricultural purposes.” Read and passed second and third times.

Senate resolution 586—Resolution concerning the distribution of the private laws of 1868. Adopted.

Senate bill 726—A bill to be entitled an act to submit the

proposed amendments of the Constitution to the people of the State for ratification or rejection. The bill was read second time.

Mr. Flemming moved to amend section 2 so as to provide that the polls shall be kept open between the hours of 8 A. M. and 7 P. M. The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate resolution —, Resolution in favor of James M. Young, sheriff of Buncombe county. The resolution was read second time.

Mr. Dunham moved to amend by adding the following: "*Provided*, The amount of said warrants shall not exceed \$1,500." The amendment prevailed.

Mr. Ellis, of Catawba, moved to amend by adding the following: "*Provided further*, That the amount of \$225 shall be paid to John Bowles, in Catawba county." The amendment prevailed.

Mr. Flemming moved to amend by inserting "No. 679." The amendment prevailed and the resolution passed second time. The resolution was read third time.

The yeas and nays were ordered on demand of Mr. King, and the resolution did not pass third time. Yeas 12; nays 15.

*Affirmative*—Messrs. Ellis of Catawba, Flemming, Gudger, Love, Merrimon, Morehead of Rockingham, Murphy, Price, Todd, Troy, Walker and Welch—12.

*Negative*—Messrs. Allen, Barnhardt, Chamberlain, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, King, Long, McCauley, Norwood, Scott, Stafford and Waring—15.

House resolution 221—Resolution to provide for a casual deficit in the treasury. The resolution was read third time.

Mr. Troy moved to amend by inserting after the word "hundred" the words "and forty." The amendment prevailed and the bill passed third time. Yeas 25; nays 10.

*Affirmative*—Messrs. Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Hum-

phrey, Hyman, King, Long, Love, Morehead of Rockingham, Murphy, Murray, Norwood, Price, Scott, Seymour, Smith, Todd, Troy, Walker and Worth—25.

*Negative*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Horton, Merrimon, Nicholson, Powell and Stafford—10.

House bill 521—A bill to be entitled an act to make a donation of a lot belonging to the State, &c. Read and passed second time. Yeas 24; nays 8.

*Affirmative*—Messrs. Allen, Chamberlain, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Harris, Hill, Holloman, Hyman, King, Long, Merrimon, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Smith, Troy and Walker—24.

*Negative*—Messrs. Cowles, Cunningham, Horton, Love, McCauley, Nicholson, Todd and Worth—8.

The bill was then read and passed third time. Yeas 29; nays 9.

*Affirmative*—Messrs. Allen, Chamberlain, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Fleming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Merrimon, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Scott, Smith, Stafford, Troy, Walker and Welch—29.

*Negative*—Messrs. Cowles, Cunningham, Horton, Love, McCauley, Nicholson, Todd, Waring and Worth—9.

Mr. Harris moved to recodsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

House bill 580—A bill to be entitled an act to amend the charter of the Western Division of the Western North Carolina Railroad. Read and passed second time. Yeas 27; nays 4.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Fleming, Gudger, Hill, Humphrey, Love, McCauley, Merrimon,

Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Todd, Walker, Welch and Worth—27.

*Negative*—Messrs. Eppes, Holloman, Horton and Hyman—4.

Senate bill 723—A bill to be entitled an act to empower the commissioners of the town of Milton to issue bonds. Read and passed third time. Yeas 32; nays 0.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Holloman, Horton, Hyman, Love, Mabson, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Welch—32.

*Negative*—0.

House bill 397—A bill to be entitled an act to raise revenue. The bill was read third time.

Mr. Troy moved to amend by inserting after the word "Treasurer" in line 11, section 15 the following: "*Provided*, That no tax whatever shall be imposed on State banks and bankers, by counties, city and towns which is not imposed upon and collected from national bank associations doing business under the laws of Congress. The amendment did not prevail.

Mr. Norwood moved to amend by adding the following to section 2, chapter 3: "That wherever in any law or act of incorporation granted either under the general law or by special act since the 4th of July, 1868, there is any limitation of taxation the same is hereby repealed, and all the property and effects of all such corporations shall be liable to full taxation like property owned by individuals." The amendment prevail.

Mr. Troy moved to amend by adding the following to section 12 of schedule "B:" "And for such service the register of deeds shall be entitled to fifteen cents for each return made by any merchant, the same to be paid by the commis-

sioners of the county." The amendment prevailed, and the bill passed third time. Yeas 27; nays 7.

*Affirmative*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Harris, Holloman, Hyman, Long, Love, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—27.

*Negative*—Messrs. Chamberlain, Cramer, Ellis of Catawba, Horton, McCauley, Nicholson and Price—7.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Raburn Gap Short Line Railway Company.

An act to allow the county commissioners of Transylvania to levy a special tax.

An act to incorporate Cleaveland Lodge, No. 202, Free and Accepted Masons.

An act to authorize the imprisonment of persons convicted in the United States Courts in North Carolina, in the penitentiary of this State.

An act to amend section 5, chapter 1 of an act entitled an act to provide the procedure in special proceedings generally, and in application for widows' year's support and in dower, being chapter 93, laws of 1868-'69, and for other purposes.

Resolution to authorize the auditor to issue a duplicate warrant for two hundred and eighty dollars to Elijah Murrell, sheriff of Onslow county.

An act to charter the Raleigh Bucket Company.

An act to amend section 1, chapter 139, laws of 1870-'71, relative to fees of county officers and the Supreme Court Clerk.

An act to authorize the commissioners of Mecklenburg

county to sell the stocks of said county, and for other purposes.

An act to authorize the commissioners of Pitt county to levy a special tax.

An act to incorporate the village of Duplin Roads in Duplin county.

An act to incorporate Lane Field Academy, in Duplin county, near Warsaw.

An act to amend an act to incorporate the Peoples' Building and Loan Association of Asheville, ratified 21st day of March, 1871.

An act to incorporate Eureka Lodge, No. 283, Ancient York Masons.

An act to incorporate the trustees of El Bethel Methodist Episcopal Church South, in Cleaveland county.

An act to extend the corporate limits of the town of Wadesboro, Anson county.

Resolution to print muster rolls of the war of 1812.

An act to cure any irregularities that may exist in the title to certain lands in Macon and Clay counties.

An act concerning Stanley Creek Camp Ground, in Gaston county, and to incorporate a board of trustees thereof.

An act to authorize the county commissioners to make certain water courses lawful fences.

An act to provide for the collection of taxes by the State, and several counties thereof, on property, polls and income; (known as the "machinery act.")

An act amendatory of an act entitled "an act to lay off the homestead on personal property exemptions," ratified the 7th day of April, 1869.

An act to incorporate the Haw River and New Hope Transportation and Manufacturing Company.

An act to incorporate the Cranberry Iron and Coal Company.

An act to revive an act to incorporate the Bank of Raleigh, ratified the first day of March, 1870.

Resolution in favor of the Engrossing and Enrolling Clerks of the House.

An act in regard to the terms of the courts in Craven county.

An act to incorporate the town of Pineville, in Mecklenburg county.

An act to prevent the obstructing of natural water passes by wilfully felling trees therein, or otherwise.

An act to abolish the Scotch Fair near Laurel Hill, in Richmond county.

An act to authorize and empower the commissioners of Yadkin county to levy a special tax.

An act to incorporate the Farmers' Bank.

An act to authorize the town commissioners in the town of Murfresboro, Hertford county, to levy taxes.

An act to incorporate the town of Apex, in Wake county.

An act to authorize the commissioners of Mecklenburg to sell the present jail, and for other purposes.

An act to incorporate the town of Huntersville, in the county of Mecklenburg.

An act in relation to town lots and town property.

An act to amend chapter 27, private laws of 1871-72, and to re-enact section 8 and 11 chapter 123, private laws of 1869-'70.

An act to amend chapter 27 private laws of 1870-'71.

An act to incorporate the Belle Cove Oyster Company.

An act to incorporate the town of Rockingham, in Richmond county.

An act to amend the Halifax and Scotland Neck Railroad Company.

Resolution in favor of James C. McGowan.

Resolution in behalf of Jonas Cline, sheriff of Catawba county.

An act to change the line between the counties of Bladen and Columbus.

An act to authorize and empower the board of commissioners of Forsythe county to appoint a special tax collector:

An act to regulate the penning of sheep in Kinnekeet and Hatteras townships, in Dare county.

An act to incorporate the Wilmington Trust Company and Savings Bank.

An act to incorporate the town of Ashboro, in Randolph county.

An act to promote stock raising.

Resolution in regard to the Wilmington, Charlotte and Rutherford Railroad.

An act to incorporate the Roanoke Iron Company.

An act to authorize the county commissioners of Beaufort county to levy a special tax.

Resolution of instruction to the Keeper of public grounds and buildings.

An act to repeal sections 6, 7, 8 and 9, and to amend sections 10 and 11 of chapter 2 Revised Code, entitled Agriculture and Geology.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence :

Senate bill 725—A bill to be entitled an act concerning the ratification of the laws of the present session of the General Assembly.

Senate bill 294—A bill to be entitled an act to authorize the Western Railroad Company to issue bonds.

Senate bill 351—A bill to be entitled an act to amend section 29 chapter 213, public laws of 1871-'72.

Senate bill 176—A bill to be entitled an act concerning conveying convicts, &c.

Senate bill 737—A bill to be entitled an act supplemental to and declaratory of the meaning of an act entitled "an act for the relief of Timothy F. Lee, sheriff of Wake county," ratified the 1st day of February, 1873.

Senate bill 223—A bill to be entitled an act to regulate the bringing of suits in *forma pauperis*.

Senate bill 205—A bill to be entitled an act in relation to taking fish in Pamlico river and its tributaries.

Senate bill 387—A bill to be entitled an act to repeal chapter 137 laws of 1869-'70.

Senate bill 376—A bill to be entitled an act concerning justices of the peace in Cross Creek township, in the county of Cumberland.

Senate bill 250—A bill to be entitled an act to amend chapter 136, laws of 1871-'72, relating to Clerks of the Superior Courts.

Senate bill 549—A bill to be entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes.

Senate bill 723—A bill to be entitled an act to empower the commissioners of the town of Milton to issue bonds.

Senate bill 717—A bill to be entitled an act to incorporate the Central Fire Insurance Company of North Carolina.

Amendments to Senate bill 701, House bill 480—A bill to be entitled an act to authorize the employment of a police force in the town of Statesville.

Senate bill 719—A bill to be entitled an act to incorporate the Cumberland Savings Bank.

Senate resolution 683—Resolution concerning the public printing.

Amendments to Senate bill 730, House bill 436—A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax.

Senate resolution 586—Resolution concerning the distribution of the laws of special session of 1868.

Senate bill 734—A bill to be entitled an act to provide a central place for comparing the election returns of Brunswick county.

Senate bill 726—A bill to be entitled an act to submit the proposed amendments of the Constitution to the people of the State for ratification or rejection.

Senate resolution 713—Resolution in favor of James H. Enniss.

Senate bill 631—A bill to be entitled an act to amend an act to provide for the laying off and constructing of a public highway in the counties of Burke and Mitchell.

The Senate then adjourned.

EVENING SESSION.

7 $\frac{1}{2}$  O'CLOCK P. M., February 28, 1873.

Mr. Waring submitted a report from Joint Select Committee to Treat with the Coleman Brothers, which was received, read and adopted.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition of the Senate to raise a committee of conference on Senate bill 673, House bill 565—A bill to be entitled an act touching the sale of spirituous liquors in certain localities, and designating Messrs. Brown of Mecklenburg, Stanford, Gorman and Sharpe as the House branch of said committee.

Reports from standing committees were submitted as follows :

From Committee on Propositions and Grievances :

By Mr. Love—House bill 424—A bill to be entitled an act for the relief of the sheriff and tax collector of the county of Forsythe, with a recommendation that it do not pass.

House bill 262—A bill to be entitled an act to change the fees of constables, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill 688, House bill 463—A bill to be entitled an act in relation to the sale of spirituous liquors within one mile of the court-house in the town of Franklin, Macon county, with amendment.

Senate resolution 110, House resolution 199—Resolution declaratory of the meaning of section 4, resolution in favor of sheriffs, ratified December 6th, 1872, with amendment.

House bill 534—A bill to be entitled an act to authorize the citizens of Graham county to travel free of charge over the Western turnpike road in Cherokee county, with a recommendation that it do pass.

House bill 512—A bill to be entitled an act to validate the sale of certain lands in the county of Wilkes, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill 675, House bill 339—A bill to be entitled an act to establish a house of correction and refuge in New Hanover county, with a recommendation that it do pass.

House 545—A bill to be entitled an act to authorize the sale of public town lots in Danbury, in the county of Stokes, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

House bill 370—A bill to be entitled an act to authorize the Secretary of State to furnish documents and other papers, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

A message was received from the House of Representatives informing the Senate that that body had passed Senate bill 294, House bill 619—A bill to be entitled an act to authorize the Western Railroad Company to issue bonds, with certain amendments.

On motion, the Senate concurred in the House amendments, and the bill was ordered to be enrolled.

Mr. Love submitted a report from the Committee of Conference on Senate bill 673, House bill 565—A bill to be entitled an act touching the sale of spirituous liquors in certain localities, which was concurred in and ordered to be transmitted to the House of Representatives.

The following named bills were introduced, read and

passed first time, and were referred or otherwise disposed of, as follows :

By message from the House of Representatives—House bill 499—A bill to be entitled an act for the protection of public highway crossing the Dismal Swamp canal.

By Mr. Troy—A bill to be entitled an act to repeal chapter 93 of the laws of 1871-'72. Placed on the Calendar.

By the Joint Select Committee to treat with Coleman Brothers—A bill to be entitled an act authorizing the Public Treasurer, &c. Placed on the Calendar.

By Mr. Seymour—A bill to be entitled an act to amend an act to incorporate the Newbern Co-operative and Loan Association. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows :

By message from the House of Representatives—House resolution —, Resolution in favor of James McQueene. Concurred in.

The following named bills were read and passed second and third times :

Senate bill 197—A bill to be entitled an act to recharter Hickory Nut Turnpike Company.

Senate resolution 496, House resolution 105—Resolution in favor of Samuel Reeves, Jr., John Beard and David L. Bringle.

A bill to be entitled an act to amend an act to charter the town of Dallas, ratified 23d day of January, 1872.

Senate resolution 745—Resolution in favor of John S. Harrison.

Senate resolution 746—Resolution in favor of W. H. Morris & Company.

Senate bill 691, House bill 471—A bill to be entitled an act to incorporate the Wilmington Ship Canal Company.

House bill 586—A bill to be entitled an act to incorporate the town of Mooreville, in Iredell county, and to prohibit the sale of spirituous liquors therein.

House resolution 237—Resolution in favor of W. W. Morrisette and D. D. Ferebee, of Camden county.

House resolution 216—Resolution in favor of Enrolling and Engrossing Clerks.

House resolution 233—Resolution in favor of A. M. Lewis, Jr.

House bill 506—A bill to be entitled an act to incorporate the Cross Creek Benevolent Society of Fayetteville.

Senate bill 748—A bill to be entitled an act to amend an act entitled an “act to incorporate the Newbern Co-operative and Building Association.”

Senate resolution 582, House resolution 269—Resolution in favor of J. C. Brewster.

House resolution 149—Resolution in favor of Mason L. Wiggins, of Halifax.

The following named bills were acted on as follows :

Senate bill 623—A bill to be entitled an act to repeal chapter 79, laws of 1868-’69. The bill was read second time.

The amendment offered by the Committee on Education prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate resolution 747—Resolution in favor of J. M. Young, sheriff of Buncombe. The resolution was read second time.

Mr. Todd moved to amend by adding the following: “And that the State Treasurer shall pay to holders all other outstanding warrants issued to pay for making this turnpike.” The amendment did not prevail, and the resolution passed second time. The resolution was read third time.

Mr. Ellis, of Catawba, moved to amend by adding the following: “*Provided*, That the sheriff of Catawba county is hereby directed to pay John Bowles \$250, out of any State taxes that may come into his hands during the year of 1873, for work done on the Marion and Asheville turnpike.” The amendment did not prevail, and the question recurring on its passage, the resolution failed to pass third time.

House bill 174—A bill to be entitled an act declaratory of an act to provide for the service of summons issuing from courts of justices of the peace in civil causes where one or more of the defendants reside out of the county in which action is brought. The bill was read second time.

Mr. Todd moved to amend by adding to section 1 the words "non-resident defendants to have fifteen days' notice." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

Senate bill 715, House bill 437—A bill to be entitled an act to authorize the board of commissioners of Alamance county to levy a special tax, and for other purposes. Read and passed third time. Yeas 21; nays 7.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Hill, Holloman, Horton, Hyman, Murphy, Murray, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Worth—21.

*Negative*—Messrs. Dunham, Flemming, Gudger, Love, Merrimon, Nicholson and Price—7.

House bill 516—A bill to be entitled an act to authorize the commissioners of Hertford county to levy a special tax. Read and passed second time. Yeas 25; nays 5.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Hyman, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Worth—25.

*Negative*.—Messrs. Dunham, Gudger, Love, Merrimon and Nicholson—5.

Senate bill 728, House bill 536—A bill to be entitled an act to authorize the commissioners of Wilkes county to issue bonds. Read and passed third time. Yeas 28; nays 3.

*Affirmative*—Messrs. Chamberlain, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Morehead of Rockingham, Murphy, Murray, Norwood,

Powell, Price, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Worth—28.

*Negative*—Messrs. Gudger, Love and Merrimon—3.

Senate bill 707—House bill 441—A bill to be entitled an act to authorize the commissioners of Wayne county to levy a special tax. Read and passed third time. Yeas 19; nays 8.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, Hyman, Murphy, Murray, Scott, Smith. Stafford, Troy, Walker and Worth—19.

*Negative*—Messrs. Dunham, Gudger, Love, Merrimon, Nicholson, Powell, Price and Seymour—8.

Senate bill 732—A bill to be entitled an act to authorize the citizens of Rutherfordton to levy a special tax for the purpose of education. Read and passed second time. Yeas 23; nays 4.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Hyman, Merrimon, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Stafford, Troy, Walker and Worth—23.

*Negative*—Messrs. Dunham, Gudger, Love and Nicholson—4.

Senate bill 733—A bill to be entitled an act to levy a special tax for Orange county. Read and passed second time. Yeas 20; nays 7.

*Affirmative*—Messrs. Barnhardt, Chamberlain, Cunningham, Eppes, Harris, Hill, Holloman, Hyman, Miller, Morehead of Rockingham, Murray, Norwood, Powell, Seymour, Stafford, Todd, Troy, Walker, Welch and Worth—20.

*Negative*—Messrs. Allen, Cowles, Dunham, Gudger, Love, Merrimon and Nicholson—7.

Senate bill 689, House bill 489—A bill to be entitled an act to authorize the board of county commissioners of Brunswick county to levy a special tax, and for other purposes. Read and passed third time. Yeas 25; nays 6.

*Affirmative*—Messrs. Chamberlain, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Hyman, McCotter, Miller, Morehead of Rockingham, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Worth—25.

*Negative*—Messrs. Cowles, Dunham, Gudger, Love, Merri-  
mon and Nicholson—6.

Senate bill 736, House bill 520—A bill to be entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company. Read and passed second time. Yeas 19; nays 13.

*Affirmative*—Messrs. Allen, Chamberlain, Cowles, Cunningham, Ellis of Catawba, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, Love, Morehead of Rockingham, Murray, Norwood, Scott, Seymour, Smith and Walker—19.

*Negative*—Messrs. Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Merrimon, Nicholson, Price, Stafford, Todd, Troy, Welch and Worth—13.

Senate bill 741—A bill to be entitled an act authorizing the Public Treasurer to pay the Coleman Brothers, &c. The bill was read second time.

The yeas and nays were ordered on demand of Mr. Welch, and the bill passed second time. Yeas 31; nays 7.

*Affirmative*—Messrs. Barnhardt, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Holloman, Humphrey, Hyman, King, Long, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—31.

*Negative*—Messrs. Cowles, Ellis of Catawba, Gudger, Horton, Powell, Seymour and Welch—7.

The bill was then read and passed third time. Yeas 33; nays 7.

*Affirmative*—Messrs. Barnhardt, Chamberlain, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Harris, Holloman, Humphrey, Hyman, King,

Long, Love, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—33.

*Negative*—Messrs- Cowles, Ellis of Catawba, Gudger, Horton, Powell, Seymour and Welch—7.

At 9 P. M. the Senate proceeded to consider the special order for that hour, to-wit: House bill 474—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company. The bill was read second time.

Mr. Flemming moved an amendment in the nature of a substitute for section 1, and certain amendments to come in as sections 2, 3, 4, 5 and 6. The amendment prevailed.

Mr. Humphrey moved to amend the bill as amended by striking out the names of the commissioners in section 1, and inserting in lieu thereof the names of "William A. Allen, charman, J. M. Worth, A. S. Seymour, J. S. Robinson and T. A. Nicholson." The amendment prevailed.

Mr. Cowles moved to amend by adding the following to section 1: "*Provided*, That no sale under this act made by said commissioners shall be binding upon the State until it is submitted to and ratified by the Legislature. Nor upon the private stockholders until ratified by the holders of a majority of the private stock.

Mr. Todd moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendments offered by Mr. Cowles, the yeas and nays were ordered on demand of Mr. Cowles, and it did not prevail. Yeas 15; nays 20.

*Affirmative*—Messrs. Chamberlain, Cowles, Cunningham, Ellis of Catawba, Eppes, Holloman, Horton, King, Long, McCauley, McCotter, Nicholson, Powell, Todd and Troy—15.

*Negative*—Messrs. Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Humphrey, Hyman, Love, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Stafford, Walker, Welch and Worth—20.

Mr. Merrimon, by consent, offered an amendment in the nature of a substitute, and the question recurring thereon, the yeas and nays were ordered on demand of that Senator, and the amendment did not prevail. Yeas 6; nays 28.

*Affirmative*—Messrs. Chamberlain, Hill, Merrimon, Morehead of Rockingham, Murray and Powell—6.

*Negative*—Messrs. Allen, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Horton, Humphrey, Hyman, King, Long, Love, McCauley, Miller, Nicholson, Norwood, Scott, Seymour, Smith, Todd, Troy, Walker, Welch and Worth—28.

The bill then passed second time. The bill was read third time.

Mr. Cowles moved to amend by inserting the following as a new section: "That if said commissioners negotiate a sale of the road, the price for which the sale is made shall be sufficient to pay all expenses resulting from their appointment and sale over and above the debts of the road."

Mr. Welch moved the previous question, the yeas and nays were ordered on demand, and the Senate ordered the main question to be put. Yeas 24; nays 5.

*Affirmative*—Messrs. Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Horton, Humphrey, Hyman, Long, Love, McCauley, Miller, Murray, Norwood, Powell, Price, Scott, Seymour, Stafford, Todd, Troy, Walker and Welch—24.

*Negative*—Messrs. Cowles, Ellis of Catawba, Holloman, Merrimon, Miller, Murray and Smith—5.

The question then recurring on the amendment offered by Mr. Cowles, it did not prevail.

The question then recurring on its passage, the bill passed third time. Yeas 26; nays 9.

*Affirmative*—Messrs. Allen, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Humphrey, Hyman, Long, Love, McCauley, Miller, Morehead of Rock-

ingham, Murray, Norwood, Powell, Scott, Smith, Stafford, Troy, Walker, Welch and Worth—26.

*Negative*—Messrs. Chamberlain, Cowles, Ellis of Catawba, Hill, Holloman, Horton, Merrimon, Murphy, Nicholson and Todd—10.

The following named bills, resolutions and amendments, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

An act amendatory of an act authorizing the sale of certain lands, ratified the 26th day of March, 1870.

An act to incorporate the Plymouth and Hyde Park Railway Company.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate bill 663—A bill to be entitled an act for the benefit of the North Carolina Institution for the Deaf and Dumb and the Blind.

Senate bill 623—A bill to be entitled an act to repeal chapter 79, laws of 1868–69.

Amendments to Senate bill 382, House bill 144—A bill to be entitled an act to change the time of holding the Superior Courts in the Tenth Judicial District.

Amendments to Senate resolution 748, House bill 221—Resolution to provide for a casual deficit in the Treasury.

Senate bill 197—A bill to be entitled an act to recharter the Hickory Nut Turnpike Company.

Amendments to House bill 545, Senate bill 737—A bill to be entitled an act to repeal chapter 93 of the public laws of 1871–'72.

Senate resolution 740—Resolution in regard to the Vienna Exhibition.

The Senate then adjourned.

## SIXTY-EIGHTH DAY.

SENATE CHAMBER, March 1, 1873.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Waring asked and obtained leave to have his name recorded in the affirmative on the votes by which the amendments offered by Mr. Flemming to Senate bill 746, House bill 474—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company were adopted. Also in the affirmative on House bill 167—A bill to be entitled an act to raise revenue.

On motion of Mr. Norwood, the Select Committee on the Corporation Act was continued and instructed to report to the next session of the General Assembly.

Bills and resolutions were acted on under a suspension of the rules as follows :

Senate bill 455—A bill to be entitled an act to provide for and regulate the adoption of minor children. Read and passed second and third times and ordered to be transmitted to the House of Representatives for concurrence without engrossment.

Senate bill 748, House bill 499—A bill to be entitled an act for the protection of the highways crossing the Dismal Swamp canal. Read and passed second and third times.

Senate bill 749—A bill to be entitled an act concerning the penitentiary. The bill was read second time.

Mr. Worth moved to amend by striking out the second section. The amendment prevailed.

Mr. Harris moved to amend by striking out the third section.

Mr. Harris moved that the further consideration of the bill be postponed.

Mr. Troy moved the previous question. The yeas and

nays were ordered on demand of Mr. Hyman, and the Senate ordered the main question to be put. Yeas 20; nays 13.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Horton, McCauley, Miller, Morehead of Rockingham, Murray, Nicholson, Powell, Scott, Stafford, Todd, Troy, Waring and Worth—20.

*Negative*—Messrs. Chamberlain, Cramer, Eppes, Harris, Holloman, Humphrey, Hyman, King, Long, Love, Seymour, Smith and Walker—13.

The question then recurring on the amendment offered by Mr. Harris, the yeas and nays were ordered on demand of Mr. Love, and the amendment did not prevail. Yeas 11; nays 23.

*Affirmative*—Messrs. Allen, Cramer, Harris, Holloman, Humphrey, Hyman, King, Long, Seymour, Smith and Walker—11.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Columbus, Flemming, Horton, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—23.

The question then recurring on its passage, the bill passed second time. The bill was read third time.

Mr. Morehead, of Rockingham, offered an amendment which prevailed, and the bill passed third time.

House bill 580—A bill to be entitled an act to provide for the employment of convict labor on the Western Division of the Western North Carolina Railroad. The bill was read third time.

Mr. Cowles moved to amend by adding the following to section 1: "*Provided*, That nothing herein contained shall operate to prevent the working of fifty convicts from the penitentiary on the Statesville and Mount Airy turnpike road." The amendment prevailed.

Mr. Merrimon moved to amend the proviso of section 1, so as to provide for the employment of the labor therein

provided for on the French Broad turnpike road. The amendment did not prevail.

Mr. Morehead, of Guilford, moved to amend by inserting the following as a new section: "That the boards of county commissioners of the several counties of this State are authorize to work on the public roads, and streets and cities, or to hire out the convicts in the jails of their respective counties to any company, corporation or individual to be worked on any work of internal improvement, said convicts not to be taken out in the Superior Court of which such convicts was sentenced without the consent of the board of commissioners given in writing. The county commissioners shall provide in any contract which may be made under the provisions of this act for the proper and safe keeping of said convicts. This act shall apply only to persons convicted of felony or other offence for which hard labor or imprisonment for one year may be inflicted." The amendment prevailed.

Mr. Love moved to amend by adding the following to section 1: "*Provided further*, That said turnpike company shall pay for and support said convicts as provided for in this bill." The amendment prevailed.

Mr. Avera moved to amend by providing that in case of the escape of any convict so hired to corporations, the cost of recapture, including the amounts of rewards offered by the Governor, shall be paid by such corporations. The amendment did not prevail.

Mr. Harris moved to amend by requiring all contracts for convict labor to be approved by the board of public charities. The amendment did not prevail.

Mr. Cowles moved to amend by adding the following to section 9: "*Provided*, That nothing contained in this act shall require the work done by convicts on the Statesville and Mount Airy turnpike to be paid for."

The yeas and nays were ordered on demand of Mr. Cowles, and the amendment prevailed. Yeas 26; nays 10.

*Affirmative*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Holloman, Horton, Humphrey, Long, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Stafford, Todd, Waring and Worth—26.

*Negative*—Messrs. Ellis of Columbus, Eppes, Gudger, Harris, Hyman, King, Love, Troy, Walker and Welch—10.

The question then recurring on its passage, the bill passed third time. Yeas 24; nays 15.

*Affirmative*—Messrs. Cowles, Cunningham, Davis, Ellis of Catawba, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Walker, Waring, Welch and Worth—24.

*Negative*—Messrs. Chamberlain, Cramer, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, McCabe, Seymour, Todd and Troy—15.

Senate bill 516, House bill 247—A bill to be entitled an act to authorize the commissioners of Granville county to levy a special tax. Read and passed third time. Yeas 21; nays 4.

*Affirmative*—Messrs. Chamberlain, Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Harris, Holloman, Humphrey, Hyman, Long, Miller, Murray, Norwood, Scott, Seymour, Stafford, Todd, Walker, Waring and Worth—21.

*Negative*—Messrs. Gudger, Love, McCauley and Morehead of Rockingham—4.

Senate bill 733, House bill 520—A bill to be entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company. Read and passed third time. Yeas 27; nays 7.

*Affirmative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Humphrey, Long, Love,

McCauley, Miller, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—27.

*Negative*—Messrs. Avera, Barnhardt, Gudger, Horton, King, Merrimon and Murphy—7.

House resolution 234—Resolution in favor of W. H. Battle. Read and passed second and third times.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to House bill 580—A bill to be entitled an act to provide for the employment of convict labor on the Western Division of the Western North Carolina Railroad.

Amendments to Senate bill 744—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company.

A message was received from the House of Representatives informing the Senate that that body had concurred in the amendments adopted by the Senate to a bill to be entitled an act to raise revenue, and House resolution 221—Resolution to provide for a casual deficit in the treasury.

Mr. Troy moved that Senate bill 749—A bill to be entitled an act concerning the penitentiary, be transmitted to the House of Representatives for concurrence without engrossment. The motion prevailed, and the bill was transmitted.

Mr. Norwood moved that the Senate do now go into executive session. The motion prevailed.

Mr. Troy moved that the session be secret.

The yeas and nays were ordered on demand of Mr. Troy, and the motion prevailed. Yeas 22; nays 16.

*Affirmative*—Messrs. Avera, Barnhardt, Cunningham, Davis, Ellis of Columbus, Flemming, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Todd, Troy, Walker, Waring, Welch and Worth—22.

*Negative*—Messrs. Allen, Chamberlain, Cowles, Cramer, Ellis of Catawba, Harris, Hill, Holloman, Humphrey, King, Long, Love, McCabe, Merrimon, Smith and Stafford—16.

The Senate then went into executive session.

On the adjournment of the executive session the Senate adjourned until 4 P. M.

#### AFTERNOON SESSION.

4 O'CLOCK P. M., March 1, 1873.

The Senate met pursuant to adjournment, and on motion, went into executive session.

The Senate, sitting in executive session, having adjourned, On motion, the Senate adjourned.

#### EVENING SESSION.

7½ O'CLOCK, P. M., March 1, 1873.

The following named bills were read and passed second and third times:

Senate bill 75, House bill 539—A bill to be entitled an act to establish a house of correction and refuge in New Hanover county.

Senate bill 750, House bill 549—A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of the corporate limits of the town of Murfreesboro, county of Hertford.

Senate bill 751, House bill 492—A bill to be entitled an act to incorporate the Granville Railroad Company.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives—House resolution —, Resolution in favor of Principal Clerks. Read and passed first time.

On motion, the rules were suspended, and the resolution was read and passed second and third times.

The following named bills were acted on as follows :

Senate bill 722, House bill 518—A bill to be entitled an act to provide adequate clerical force in the offices of the Secretary of State and Auditor. The bill was read second time.

Mr. Ellis moved to amend by striking out so much of the bill as applied to the Secretary of State.

Mr. Cunningham moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Ellis, of Catawba, and the motion to lay on the table did not prevail. Yeas 15; nays 21.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Flemming, Gudger, Horton, Merrimon, Morehead of Guilford, Nicholson, Stafford, Todd and Waring—15.

*Negative*—Messrs. Chamberlain, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Hyman, Long, McCabe, Miller, Murphy, Murray, Powell, Scott, Seymour, Smith, Troy, Walker and Welch—20.

The question then recurring on the amendment of Mr. Ellis, of Columbus, the yeas and nays were ordered on demand, and the amendment did not prevail. Yeas 19; nays 21.

*Affirmative*—Messrs. Barnhardt, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, King, Love, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Powell, Stafford, Todd, Troy and Worth—19.

*Negative*—Messrs. Allen, Avera, Chamberlain, Cowles, Ellis of Catawba, Eppes, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Long, McCabe, McCauley, Scott, Seymour, Smith, Walker and Waring—21.

The question then recurring on its passage, the bill failed to pass second time.

Mr. Seymour moved to reconsider the vote just had.

Mr. Waring moved that that motion lie upon the table.

Mr. Troy moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the motion to reconsider, the yeas and nays were ordered on demand of Mr. Waring, and the motion prevailed. Yeas 19; nays 17.

*Affirmative*—Messrs. Chamberlain, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, Long, McCabe, Murphy, Scott, Seymour, Smith, Troy, Walker and Welch—19.

*Negative*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Horton, King, Love, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Powell, Stafford, Todd, Waring and Worth—17.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Merrimon, and the bill passed second time. Yeas 20; nays 16.

*Affirmative*—Messrs. Chamberlain, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, McCabe, Murphy, Scott, Smith, Troy, Walker and Welch—20.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Horton, Love, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Stafford, Todd, Waring and Worth—16.

The bill was read third time.

Mr. Seymour moved to amend by striking out of the bill so much thereof as referred to the Secretary of State, and by altering the title of the bill.

Mr. Gudger moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Horton, and the Senate refused to adjourn. Yeas 7; nays 26.

*Affirmative*—Messrs. Avera, Barnhardt, Horton, Merrimon, Morehead of Guilford, Todd, and Waring—7.

*Negative*—Messrs. Chamberlain, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flem-

ming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, McCabe, Miller, Murphy, Powell, Scott, Seymour, Smith, Troy, Walker and Worth—26.

The question then recurring on the amendment offered by Mr. Seymour, the yeas and nays were ordered on demand of Mr. Morehead, of Guilford, and the amendment prevailed. Yeas 23; nays 15.

*Affirmative*—Messrs. Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, McCabe, Murphy, Nicholson, Powell, Seymour, Smith, Troy, Walker and Welch—23.

*Negative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Horton, Humphrey, Merrimon, Miller, Morehead of Guilford, Murray, Scott, Todd, Waring and Worth—15.

The question then recurring on its passage, the bill passed third time. Yeas 22; nays 16.

*Affirmative*—Messrs. Chamberlain, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, Love, McCabe, Murphy, Powell, Scott, Seymour, Smith, Troy, Walker and Welch—22.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Horton, Humphrey, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Stafford, Todd, Waring and Worth—16.

A message was received from the House of Representatives informing the Senate that that body had concurred in the amendments adopted by the Senate to House bill 474—A bill to be entitled an act to incorporate the Cincinnati and Great Southern Railway Company.

Mr. Flemming moved that the Senate concur in the House amendments.

Mr. Welch moved the previous question.

The yeas and nays were ordered on demand of Mr. Ellis, of Catawba, and the Senate ordered the main question to be put. Yeas 25; nays 9.

*Affirmative*—Messrs. Avera, Barnhardt, Chamberlain, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Long, Love, McCabe, McCauley, Miller, Powell, Scott, Troy, Walker, Waring, Welch and Worth—25.

*Negative*—Messrs. Allen, Cowles, Ellis of Catawba, Eppes, Horton, King, Merrimon, Murphy and Nicholson—9.

The question then recurring on the motion to concur in the House amendments,

The yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 33; nays 6.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cunningham, Dunham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Long, Love, McCabe, McCauley, Miller, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—33.

*Negative*—Messrs. Cowles, Ellis of Catawba, Horton, Merrimon, Nicholson and Todd—6.

A message was received from the House of Representatives informing the Senate that that body had concurred in the amendments adopted by the Senate to House bill 580—A bill to be entitled an act to provide for the employment of convict labor on the Western Division of the Western North Carolina Railroad.

Mr. ——— moved that the Senate concur in the House amendments.

Mr. Ellis, of Catawba, moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Ellis, of Catawba, and the Senate refused to adjourn. Yeas 8; nays 22.

*Affirmative*—Messrs. Avera, Cowles, Ellis of Catawba, Horton, King, Nicholson, Stafford and Todd—8.

*Negative*—Messrs. Barnhardt, Chamberlain, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Harris,

Hill, Molloman, Hyman, Love, McCabe, McCauley, Merri-  
mon, Miller, Murphy, Scott, Seymour, Troy, Welch and  
Worth—22.

The question then recurring on the motion to concur in  
the amendments of the House,

The yeas and nays were ordered on demand of Mr. Cowles,  
and the motion prevailed. Yeas 23; nays 7.

*Affirmative*—Messrs. Avera, Chamberlain, Dunham, Ellis  
of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Hum-  
phrey, Hyman, Love, McCabe, Merrimon, Miller, Murphy,  
Murray, Scott, Seymour, Troy, Waring, Welch and Worth  
—23.

*Negative*—Messrs. Cowles, Cunningham, Ellis of Catawba,  
Horton, King, Nicholson and Todd—7.

The following named bills and resolutions, reported as  
correctly enrolled by Committee on Enrolled Bills, were  
duly ratified and transmitted to the office of the Secretary  
of State:

An act to prevent obstruction of fish passing up Roanoke  
river.

An act in reference to the statute of limitation.

An act to re-enact and continue in force an act entitled  
“an act to empower the commissioners of Cumberland  
county to levy a special tax.”

An act to authorize the employment of police force in  
Statesville.

An act to incorporate the Weldon Road and Garysburg  
Road and Ferry Company.

An act to incorporate the town of Castalia, in Nash county.

An act to incorporate the town of Colerain, in Bertie  
county.

An act to incorporate the town of Madison, in Rocking-  
ham county.

An act to prevent the retailing of spirituous liquors in  
the town of Statesville.

Resolution in favor of John H. Hill.

Resolution in favor of Samuel Carter.

Resolution in favor of John H. Hill.

Resolution in regard to public laws of 1871-'72.

Resolution in relation to refunding certain railroad tax to the sheriff of Iredell county.

An act to incorporate the Old North State Life Insurance Company.

An act in regard to collecting special-tax.

An act to extend the time of E. A. Gup-ton, ex-sheriff of Franklin county, for making settlement with the county treasurer.

An act to incorporate the town of Averasboro, in the county of Harnett.

An act to amend the charter of the city of Raleigh.

An act to amend the act to lay off and establish the county of Dare.

An act to amend chapter 241 of the public laws of 1870 and 1871, entitled an act to incorporate the Spartanburg, Columbus and Rutherford Railroad Company.

An act to incorporate the town of Spartanburg, in Wilson county.

An act to allow the commissioners of Washington county to levy special tax.

An act in favor of the heirs of Jesse McCoy, deceased.

An act to incorporate the Flat Rock Camp Ground, in Guilford county.

An act to incorporate the North Carolina Classis.

An act regulate mortgages by corporations and sales under the same.

Resolution concerning public printing.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence:

Senate bill 733—A bill to be entitled an act to levy a special tax in Orange county.

The Senate then adjourned.

## SIXTY-NINTH DAY.

SENATE CHAMBER, March 3, 1873.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

The Senate then went into executive session.

The Chair announced a message from His Excellency the Governor, which was, on motion, received.

On motion of Mr. Flemming it was ordered that the proceedings of the executive session of this day be entered on the Journal of the Senate.

On motion, the Senate, sitting in executive session, thereupon, adjourned, and the Senate resumed its regular order of business.

The Chair designated Mr. Dunham as the Senate branch of the Joint Select Committee to Cancel Vouchers and Burn Coupons in the Auditor's Office, to fill the vacancy caused by the resignation of Mr. Respass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Powell—A bill to be entitled an act concerning the sale of spirituous liquors at Endor, in the county of Chatham. Placed on the Calendar.

On motion, the rules were suspended, the bill was read and passed second and third times and ordered to be transmitted, without engrossment, to the House of Representatives for concurrence.

Mr. Dunham moved that a message be sent to the House of Representatives proposing to postpone the hour of adjournment until 1½ o'clock P. M. The motion prevailed, and a message was sent in accordance therewith.

A message was received from the House of Representatives informing the Senate that that body had concurred in the

proposition to postpone the hour of adjournment to 1½ o'clock P. M.

A message was sent to the House of Representatives transmitting a bill to be entitled an act concerning the sale of spirituous liquors at Endor, in the county of Chatham.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill 706, House bill 335—A bill to be entitled an act to change the time of holding the Superior Court of Cumberland county. Read and passed second and third times.

Senate bill 753, House bill 134—A bill to be entitled an act to authorize the commissioners of Onslow to sell Alum Springs and property, former site of the poor house of said county.

Senate bill 754, House bill 354—A bill to be entitled an act to incorporate the Onslow County Agricultural Society.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act to authorize the board of commissioners of Brunswick county to levy a special tax, and for other purposes.

An act to authorize the commissioners of the county of Franklin to levy a special tax for the purpose of paying the outstanding debt of the county.

An act to incorporate the Mechanics' and Laborers' Mutual Aid Society of North Carolina.

An act in relation to the sale and completion of the Western North Carolina Railroad.

An act to amend the charter of the North Western North Carolina Railroad Company.

An act to amend section 34, public laws of 1868-'69.

An act to extend the time for the registration of grants, deeds and other conveyances.

An act to change the dividing line between the counties of Franklin and Granville.

An act to raise revenue.

An act to amend chapter 167, public laws of 1869-'70.

An act to authorize the commissioners of Onslow county to sell Alum Spring and property, former site of the poor house of said county.

An act to incorporate the Onslow County Agricultural Society.

An act for the relief of Northampton county.

An act to change the time for holding the Superior Courts of Cumberland county.

An act to prohibit the sale of spirituous liquors within one mile of Winfall, in Perquimans county.

An act for the relief of the sheriff and tax collector of the county of Forsythe.

An act to amend an act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell.

An act to submit the proposed amendments of the Constitution to the people of the State for ratification or rejection.

An act to authorize the commissioners of Wilkes county to issue bonds.

An act to provide for and regulate the adoption of minor children.

An act to incorporate the Granville Railroad Company.

An act in relation to the penitentiary.

An act to amend an act for the support of the Insane Asylum of North Carolina for the year ending 31st of December, 1873.

An act to amend an act to establish a turnpike road from the town of Statesville, in Iredell county, to Mount Airy, in Surry county.

An act to amend an act concerning inspectors in the city of Wilmington.

An act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company.

An act to incorporate the Cumberland Savings Bank.

An act to incorporate the Haw River Iron Company.

An act to incorporate the Lockville Locomotive and Car Company.

An act to provide for the printing and distribution of the acts concerning revenue.

An act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes.

An act to establish a house of correction and refuge in the county of New Hanover.

An act to incorporate Shallotte Baptist Church, in Brunswick county.

An act to incorporate the Merchants' Bank of Fayetteville.

An act to continue in force an act to charter the Hickory Nut Turnpike Company.

An act to authorize two additional terms of the Superior Court to be held in Granville county.

An act to incorporate the Ladies' Co-operative Association of Wilmington.

An act in relation to the county of Pamlico.

An act concerning the sale of spirituous liquors at Endor, in the county of Chatham.

An act concerning the ratification of the laws of the present session of the General Assembly.

An act to provide a central place for comparing the election returns of Brunswick county.

~~An~~ An act to amend an act to incorporate the Wilmington Ship Canal Company.

An act to prohibit the sale of intoxicating liquors in certain localities.

An act touching the sale of spirituous liquors in certain localities.

An act to authorize the board of commissioners of Alamance county to levy a special tax.

An act to amend the charter of the Western Division of the Western North Carolina Railroad.

An act to amend an to incorporaie the Newbern Co-operative Land and Building Association.

An act to cure defects in certain judicial proceedings arising from mistakes of jurisdiction and other causes.

An act to establish a public ferry across the Yadkin river.

An act to allow the commissioners of Anson county to levy a special tax.

An act to repeal chapter 93, public laws of 1871-'72.

An act to prevent the sale of spirituous liquors within three miles of the corporate limits of the town of Murfreesboro, in the county of Hertford.

An act for amnesty and pardon.

An act to incorporate the Central Fire Insurance Company of North Carolina.

An act to amend an act entitled "an act to charter the town of Dallas."

An act to authorize the commissioners of Randolph county to levy and collect a special tax.

An act to change the time for holding the terms of the Superior Courts in the several counties comprising the Tenth Judicial District.

An act to empower the commissioners of the town of Milton to issue bonds.

An act to incorporate the Cross Creek Benevolent Society of Forsythe.

An act to authorize the Western Railroad Company to issue bonds.

An act to change the time of holding the Fall term of the Superior Court in the counties of Robeson and Brunswick.

An act concerning the right of way to churches and places of public worship.

A act to protect public highways crossing the Dismal Swamp Canal.

An act to provide adequate clerical force in the office of the Auditor.

An act to amend the charter of the town of Monroe, in the county of Union.

An act to amend sections 31 and 38, so that they shall conform to section 28, of the school law, ratified February 26, 1873.

An act relating to fences und for the protection of crops.

An act to incorporate the town of Fair Bluff, in the county of Columbus.

An act to incorporate Cold Spring Church and Bethel Church, in the county of Cabarrus.

Resolution in favor of W. H. Morriss & Co.

Resolution in favor of the Principal Clerks.

Resolution of instruction to the Secretary of State.

Resolution in favor of John S. Harrison.

Resolution in favor of T. F. Lee, Sheriff of Wake county.

Resolution declaratory of the meaning of section 4 of resolution in favor of sheriffs, ratified the 6th day of December, 1872.

Resolution appointing Dr. W. R. Sharp and Captain C. B. Denson, members of the board of public charities.

Resolution in favor of T. F. Lee, sheriff of Wake county.

Resolution concerning the destrubution of the laws of special session of 1868.

Resolution to provide for a casual deficit in the treasury.

Resolution in favor of J. C. Brewster.

Resolution in favor of Mason L. Wiggins.

Resolution in favor of A. M. Lewis.

Resolution in favor of William H. Battle.

An act to repeal chapter 79, laws of 1868-'69.

Resolution in regard to Vienna exhibition.

The Senator from Cumberland being in the chair, Mr. Ellis, of Columbus, offered the following resolution of thanks to the President and other officers of the Senate, which was unanimously adopted :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to President Brogden for the faithful, fair, correct and impartial manner in which he has presided and conducted the business of this body ; and the thanks of the Senate are also due and tendered to the Clerks and other officers for the fair, faithful, correct and acceptable manner in which they have discharged the duties of their respective offices.

The President having resumed the chair, thereupon addressed the Senate as follows :

SENATORS:—The resolution that you have just passed unanimously affords the best assurance that my endeavors, faithful and impartial, I hope they have been, to discharge worthily and properly the duties confided to me, have not been altogether unavailing.

That I am feelingly touched by this voluntary and generous manifestation of approbation and favor, you may believe, but you are not as conscious as I am of the deep impression it leaves upon me. Words are wanting to fully express my appreciation of your uniform kindness to me, and I make the acknowledgement with the deepest sensibility.

Our official intercourse has been pleasant and agreeable, and it will leave its impress and its memories

“ On the sands of our wasting years.”

In am not so vain as to believe that I have not committed errors as the presiding officer of this honorable body, but if so, they were indeed unintentional, and I think I may safely say, that no presiding officer of the Senate has ever been

more unanimously sustained in his decisions than I have been. I know that I have acted fairly and impartially in the performance of my official duties, and you have promptly sustained me on every occasion.

To the public man the approbation of those he has served is his highest reward. For your generous bestowal of that reward, and the indulgence at all times, kindly extended to me, I beg you to accept my grateful acknowledgments.

Permit me, Senators, as the only return which it is now in my power to make, to tender to you the assurance of my great anxiety to unite with you in any and all measures which may be best calculated to encourage and reward honest industry and labor, to develop the resources of the State, to improve our educational interests and facilities, and to promote the permanent peace, prosperity and happiness of all the people of North Carolina.

Your legislation forms a part of the history of the times. Much business has been brought before the Legislature, some of it has been carried through, and some has failed.

Let us Let us hope that what has been done is for the best, and that it may receive the approbation of the public.

If, in the course of our deliberation, any irritation has been occasioned, or any unkind expressions escaped us, let us, in the spirit of generous friendship, throw over them the mantle of forgetfulness, and recollect only the pleasures arising from association, and the consciousness, which I am sure pervades the bosom of every one, that all have been actuated by a high sense of public duty.

Senators, we must now close our legislative deliberations. The hour for adjournment has arrived. We have met to to-day to part. I wish each and all of you a speedy and safe return to your families and friends, and that you and they may enjoy a long life of peace, health and happiness.

“ Our several engagements now call us away,  
Our parting is needful and we must obey.”

Mr. Troy moved that the Resolution of Thanks, introduced by Mr. Ellis, of Columbus, and adopted by the Senate together with the address of the President, be spread upon the Journal. The motion prevailed.

Thereupon the hour of 1½ P. M. having arrived, the Senate adjourned until 12 M. of the third Monday of November next.

C. H. BROGDEN,  
*President of the Senate*

W. L. SAUNDERS, *Clerk.*

Mr. Troy moved that the Resolution of Thanks introduced by Mr. Ellis of Columbus, and adopted by the Senate together with the address of the President, be spread upon the Journal. The motion prevailed.

Thereupon the hour of 12 P. M. having arrived, the Senate adjourned until 12 M. of the third Monday of November next.

C. H. BROGDEN,

President of the Senate.

W. A. SANDERS, Clerk.

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JOURNAL OF THE SENATE

FOR

SESSION OF 1875-76.

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